

# EXHIBIT D

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION NO. 17-0889

DARUS HUNTER and KENYA :  
SHUJAA :

Plaintiffs, :

vs. :

CITY OF PHILADELPHIA,  
ROBERT SCHUTTE, MICHAEL:  
NAVEDO and MICHAEL  
MELVIN, :

Defendants. :

 COPY

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TUESDAY, SEPTEMBER 11, 2018  
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Oral deposition of ROBERT SCHUTTE held at the  
Law Offices of Dechert, LLP, Cira Centre, 2929 Arch  
Street, Philadelphia, Pennsylvania, commencing at  
2:26 p.m., by and before Jo-Anne M. Bosler,  
Professional Shorthand Reporter and Notary Public.

-----  
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I N D E X

WITNESS PAGE

ROBERT SCHUTTE

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By MS. LASTOWSKI 110

By MS. FUNG 137

E X H I B I T S

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1 (By agreement of counsel,  
2 the signing, sealing, certification  
3 and filing are waived; and all  
4 objections, except as to the form  
5 of the question, are reserved until  
6 the time of trial.)

7 - - -  
8 ROBERT SCHUTTE, having been  
9 duly sworn, was examined and testified  
10 as follows:

11 - - -  
12 EXAMINATION  
13 - - -

14 BY MR. MCCLAM:

15 Q. Would you please state your name  
16 for the record?

17 A. Robert Schutte.

18 Q. How do you spell your last name?

19 A. S-c-h-u-t-t-e.

20 Q. Have you ever been deposed before?

21 A. No.

22 Q. I'm going to go over a few  
23 preliminary instructions before we get  
24 started.

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1 I'm going to ask that you please  
2 answer all of my questions orally. The  
3 court reporter to my right is going to be  
4 recording every word that we say. So if I  
5 ask you a yes or no question, please  
6 answer yes or no instead of nodding your  
7 head.

8 Do you understand?

9 A. Yes, sir.

10 Q. Second, because the court reporter  
11 is writing down every word I ask that you  
12 give me a chance to finish my question  
13 before you answer just to make sure we  
14 have a clean record.

15 Do you understand?

16 A. Yes.

17 Q. If you do not understand a question  
18 let me know and I'll do my best to  
19 rephrase. If you do not ask for a  
20 clarification I'll assume that you  
21 understand.

22 Do you understand that?

23 A. Yes.

24 Q. Any time you need a break just let

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1 testifying today?

2 A. I met with my attorney. Just went  
3 over the paperwork and the former  
4 questions that --

5 MS. FUNG: Sorry. You

6 don't speak about what we -- you  
7 can talk about the documents that  
8 we reviewed, but anything other  
9 than that, no. Sorry.

10 BY MR. MCCLAM:

11 Q. Did you do anything besides meeting  
12 with your attorney to prepare for the  
13 deposition today?

14 A. No.

15 Q. Did you talk with Officer Navedo to  
16 prepare for the deposition today?

17 A. No.

18 Q. When did you meet with your  
19 attorney to prepare for this deposition?

20 A. Yesterday.

21 Q. For about how long?

22 A. For an hour. About an hour or so.

23 Q. Did you review documents with your  
24 attorney?

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6

1 me know and we can take one. I just ask  
2 that if there's a question outstanding  
3 that you answer the question first before  
4 taking the break.

5 Do you understand?

6 A. Yeah.

7 Q. Your attorney may object during the  
8 deposition, but unless she instructs you  
9 not to answer you're required to answer my  
10 question.

11 Do you understand?

12 A. Yes.

13 Q. Are you feeling well enough to  
14 testify here today?

15 A. Yes.

16 Q. Are you on any medications that  
17 might impair your memory or your ability  
18 to testify today?

19 A. No.

20 Q. Is there anything else that could  
21 keep you from testifying truthfully or  
22 accurately today?

23 A. No.

24 Q. What have you done to prepare for

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1 A. Yes.

2 Q. Have you talked to Officer Navedo  
3 since September of 2015 about the incident  
4 that's the subject of this litigation?

5 A. Yes.

6 Q. When did you speak with him?

7 A. It hasn't been a while. I haven't  
8 worked with him for over a year, so it's  
9 probably about a year.

10 Q. The incident we're going to talk  
11 about today, you understand, has to do  
12 with an interaction you and Officer Navedo  
13 had with the plaintiffs in this case on  
14 September 14th, 2015; is that correct?

15 A. Yes.

16 Q. And you stated that you discussed  
17 that incident with Mr. Navedo since  
18 September of 2015; is that right?

19 A. Yes.

20 Q. Do you recall when that was?

21 A. I do not.

22 Q. Was it in 2015?

23 A. Yes. Initially, when it happened  
24 I'm sure we have talked about it, but I

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1 don't remember the specifics of it.

2 Q. Did you have a -- let me start

3 over. Was there an Internal Affairs

4 investigation into this incident?

5 A. I believe there was.

6 Q. Did you speak with Officer Navedo

7 before giving a statement in connection

8 with the Internal Affairs investigation?

9 A. No.

10 Q. Was your conversation with Officer

11 Navedo about the incident after the

12 Internal Affairs investigation?

13 A. I don't recall.

14 Q. Have you read the complaint in this

15 matter?

16 A. Yes.

17 Q. What do you understand to be the

18 allegations in the complaint?

19 A. It was stated that we were

20 aggressive and entered the home illegally

21 and injured one of the parties.

22 That's my understanding of what the

23 complaint is.

24 Q. So you'll understand that when I

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1 Q. Can you describe your educational

2 background?

3 A. High school.

4 Q. Where did you go to high school?

5 A. Upper Darby.

6 Q. When did you graduate from Upper

7 Darby?

8 A. 2003.

9 Q. What did you do after you graduated

10 from Upper Darby in 2003?

11 A. Worked odd jobs.

12 Q. When did you become employed as a

13 Philadelphia Police Department officer?

14 A. 2014.

15 Q. What did you do before you became

16 an officer with the Philadelphia police

17 officer?

18 A. I was a Temple University police

19 officer for two years.

20 Q. Did you have to go through any

21 training to become a Temple University

22 police officer?

23 A. Yes. We trained at the

24 Philadelphia Police Academy.

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10

1 speak of the incident today that I'm

2 referring to your interaction with the

3 plaintiffs on September 14th, 2015?

4 A. Yes.

5 Q. And you understand that the

6 plaintiffs in this case are Darus Hunter

7 and Kenya Shujaa?

8 A. Yes.

9 Q. Have you ever testified in a court

10 proceeding other than a deposition?

11 A. Yes.

12 Q. How many times?

13 A. Too numerous to count over the

14 years.

15 Q. Do you understand that you're under

16 oath today to the same extent that you

17 would be if you were testifying in a court

18 before a judge?

19 A. Yes.

20 Q. Have you ever been sued before?

21 A. No.

22 Q. Is this your first time being a

23 defendant in a civil lawsuit?

24 A. Yes.

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1 Q. Did you have to receive any

2 additional training before you went to

3 work at the Philadelphia Police Department

4 after being at Temple University?

5 A. Only a month of updates on

6 directives and doing things their way, so

7 to speak, to keep up vehicle course.

8 Pretty much it was a lateral

9 program. I was only there for a month

10 because I had already graduated before

11 prior.

12 Q. So was the academy that you went to

13 before being a police officer for Temple

14 Police Department the same academy that an

15 officer just starting at the Philadelphia

16 Police Department would attend?

17 A. Yes.

18 Q. How long were you at the Temple

19 Police Department?

20 A. Two years.

21 Q. What did you do before you were at

22 the Temple Police Department?

23 A. Security officer in a company in

24 Havertown.

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1 Q. What was the name of that company?  
2 A. Alpha -- Security.  
3 THE COURT REPORTER: I'm  
4 sorry, what was that?  
5 THE WITNESS: Alpha  
6 Centurion.  
7 BY MR. MCCLAM:  
8 Q. How long were you at Alpha  
9 Centurion?  
10 A. A year.  
11 Q. What did you do before Alpha  
12 Centurion Security?  
13 A. I was a musician in Los Angeles.  
14 Q. What instrument did you play?  
15 A. Drums.  
16 Q. Why did you leave the Temple Police  
17 Department to move to the Philadelphia  
18 Police Department?  
19 A. My goal was to be a Philadelphia  
20 police officer, but at the time they  
21 required college and, like I said, I only  
22 finished high school. But Temple didn't  
23 require college. So if you have two years  
24 of police experience somewhere else

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1 A. Yes.  
2 Q. Then what was your title after you  
3 were a lateral recruit?  
4 A. Police officer.  
5 Q. At any time when you were at the  
6 academy or when you were training as a  
7 lateral recruit did you ever fail any of  
8 the courses that were offered?  
9 A. No.  
10 Q. Are you still a police officer for  
11 the Philadelphia Police Department?  
12 A. Yes.  
13 Q. What's your title today?  
14 A. Police officer.  
15 Q. Has it changed since you started?  
16 A. No.  
17 Q. Who's your supervisor today?  
18 A. Sergeant Skasiac.  
19 Q. Who was your supervisor in  
20 September of 2015?  
21 A. Sergeant Davis.  
22 Q. Do you have a partner today?  
23 A. No.  
24 Q. Did you have a partner in September

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1 Philadelphia will take that instead of  
2 college. So I did my two-year contract so  
3 I can get into Philly.  
4 Q. So when you started at Temple  
5 University the plan was to work there for  
6 two years and then move to the  
7 Philadelphia Police Department; is that  
8 right?  
9 A. Yes.  
10 Q. Do you remember what date you  
11 started at the Philadelphia Police  
12 Department?  
13 A. I just know the hire year was 2014.  
14 I'm not sure the month and day.  
15 Q. And what was your title when you  
16 started at Philadelphia Police Department?  
17 A. During the training or when I came  
18 out of training?  
19 Q. So you had a month of training when  
20 you moved over?  
21 A. Yeah. I was considered a lateral  
22 recruit.  
23 Q. And you were a lateral recruit for  
24 one month?

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1 of 2015?  
2 A. Yes.  
3 Q. Who was your partner?  
4 A. Officer Navedo.  
5 Q. For what period of time was Officer  
6 Navedo your partner?  
7 A. Three years.  
8 Q. Was he your first partner when you  
9 started?  
10 A. No. I was with someone for, I  
11 think, a couple of months.  
12 Q. When did Officer Navedo become your  
13 partner?  
14 A. I don't know the exact date, but I  
15 know it was, maybe, three or four months  
16 after I got to my district after I got out  
17 of my lateral training.  
18 Q. And you got to your district was it  
19 in -- was it January or February of 2015?  
20 A. I think it was February of 2014, I  
21 think. Maybe it was '15. I don't recall.  
22 Q. So you were -- so you had a few  
23 different partners and then a couple  
24 months later Officer Navedo became your

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1 partner?

2 A. Yes.

3 Q. Was Officer Navedo more senior than

4 you at that time?

5 A. Yeah.

6 Q. Did that change your roles together

7 as partners?

8 A. No. Pretty much since I was still

9 considered new whoever I was with I just

10 knew they were there before me so I just

11 listened and followed kind of what they

12 did and tried to learn as I go along.

13 Q. Did Officer Navedo help teach you

14 how to be a Philadelphia Police Department

15 officer?

16 A. In certain ways. Like, he taught

17 me how he does things and how people in

18 our district usually do things. So I kind

19 of went off that before I can kind of,

20 like, find my own way of doing things that

21 were comfortable with me.

22 Q. Do you recall who your supervisor

23 was in September of 2015?

24 A. It was Sergeant Davis.

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1 A. Technically, I guess he could be

2 considered one. He wouldn't be a direct

3 supervisor. I wouldn't report to him

4 first. I would go to one of the sergeants

5 first.

6 Q. Lieutenant Disanto would be a

7 supervisor; correct?

8 A. Yes.

9 Q. Have you ever been subject to

10 disciplinary action at the Philadelphia

11 Police Department?

12 A. Once, yes.

13 Q. Can you describe that incident?

14 A. Called out sick too many times

15 without a note. That was the only time I

16 was disciplined.

17 Q. When was that?

18 A. That would be eight months ago.

19 Q. How were you disciplined?

20 A. I got a couple of days off.

21 Q. Kind of ironic, isn't it?

22 Have you ever been the subject of

23 an Internal Affairs investigation?

24 A. As the target of the investigation?

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1 Q. If Sergeant Davis wasn't -- I'm

2 sorry. Did Sergeant Davis work all the

3 shifts when you were working?

4 A. During my whole time?

5 Q. In September of 2015?

6 A. No. There's time he'd have days

7 off.

8 Q. And was there always a supervisor

9 on duty when you had a shift as an

10 officer?

11 A. Yes.

12 Q. Do you recall who your supervisor

13 was on September 14th, 2015?

14 A. It would have to be Sergeant Melvin

15 at the time.

16 THE COURT REPORTER:

17 Sergeant who?

18 THE WITNESS: Melvin.

19 THE COURT REPORTER:

20 Melvin?

21 THE WITNESS: Yes.

22 BY MR. MCCLAM:

23 Q. Would Lieutenant Disanto have been

24 a supervisor?

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1 Q. Let's do both. Let's start with

2 the target.

3 Have you ever been the target of an

4 Internal Affairs investigation?

5 A. No.

6 Q. Have you ever participated in an

7 Internal Affairs investigation?

8 A. Yes.

9 Q. How?

10 A. There was a supervisor -- I don't

11 know the whole story. I just knew that

12 since I was in his squad I had to go to

13 internal affairs and answer the questions

14 about what he does and how he works.

15 Q. Was that the only time you've been

16 involved in an Internal Affairs

17 investigation?

18 A. As far as I can remember. Yes.

19 Q. Has anyone ever filed a citizen's

20 complaint against you?

21 A. No.

22 Q. Have you ever been subject to any

23 other kind of informal discipline?

24 A. No.

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1 Q. Have you ever been arrested before?

2 A. No.

3 Q. Have you ever been convicted of a

4 crime?

5 A. No.

6 Q. What is your relationship with

7 Officer Navedo?

8 A. Partners -- or we were partners,

9 mostly. I guess we'd consider each other

10 friends. I don't really see him outside

11 of work often.

12 Q. Were you guys close friends in

13 September of 2015?

14 A. I wouldn't say close friends; I

15 guess close partners. Like I said, we

16 weren't any outside of work. At work I

17 guess that's where the friendship would be

18 at the time.

19 Q. Did you have -- were all of your

20 shifts together as partners, in September

21 of 2015?

22 A. No. Not all of them.

23 Q. In what circumstances wouldn't you

24 work with him?

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1 there's an always an officer to back

2 someone up, supervisor or not, because

3 that's how it's done.

4 Q. If there's a call for a supervisor

5 only, what does that mean?

6 A. Usually that just means someone

7 wants to speak to a supervisor and you

8 would still go just to back the supervisor

9 up because you don't really know what

10 you're getting into. So it's just what

11 the squad does to make sure no one gets

12 hurt.

13 Q. What circumstances are supervisors

14 normally called for over the radio?

15 A. Usually if an officer needs help

16 with somebody, like questions answered.

17 Sometimes, like -- you know, we don't know

18 everything. Supervisor has more time, he

19 might be able to help a situation. Or if

20 a citizen wants to make a complaint

21 against an officer they would call for a

22 supervisor.

23 Q. Would the radio always call for a

24 supervisor if there was a complaint

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22

1 A. Lack of manpower. They'd have to,

2 like, make us each in a separate car solo

3 so we can cover more territory.

4 Q. As of September 2015, you had only

5 been on the force for less than a year; is

6 that right?

7 A. Yeah.

8 Q. What's the role of a supervisor on

9 patrol?

10 A. Supervise the squad. Help out

11 officers in any way that we need. Field

12 complaints, if a complaint were to come of

13 an officer. That sort of thing. If

14 you're inside operations reviewed

15 paperwork and payroll and everything like

16 that and do the assignment sheets.

17 Q. Are there certain radio calls that

18 a supervisor alone is responsible for?

19 A. There's supervisory calls, but they

20 usually don't go out to them alone for

21 safety reasons.

22 Q. What do you mean they usually don't

23 go out to them alone?

24 A. Well, usually if there's a call

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1 against an officer?

2 A. Yeah. You can't make a complaint

3 to another officer; it has to be to a

4 supervisor.

5 Q. You can't make a complaint to

6 another officer?

7 A. A citizen can't make a complaint to

8 a police officer. They have to make it to

9 a corporal or above.

10 Q. So if a citizen has a complaint an

11 officer can't go and receive that

12 complaint; is --

13 A. No.

14 Q. -- that right?

15 What do you do when you hear a

16 radio call for a supervisor?

17 A. Me, personally? If someone's

18 already backing him I'll just take patrol.

19 If no one's available, I'll do my best and

20 go -- I won't interact. I'll just hang

21 back and make sure everything is safe for

22 that supervisor.

23 Q. Would you ever go and try to handle

24 whatever it was the supervisor was being

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1 called to do?

2 A. No.

3 Q. Have you ever received any training  
4 on how to respond to a child custody  
5 dispute?

6 A. At one point, yes. It was a while  
7 ago at the academy.

8 Q. Have you received any training  
9 since being in the academy about how to  
10 respond to a child custody dispute?

11 A. There was directives that came down  
12 and they showed videos every once in a  
13 while, like training procedures.

14 But it's been a while since I've  
15 seen anything in training.

16 Q. Do you recall any specific  
17 instances of seeing something related to  
18 child custody dispute training?

19 A. Not recently. It's been a while.

20 Q. Since the academy?

21 A. It's been a while since the  
22 academy. Yeah.

23 Q. Are there certain procedures that  
24 officers must follow when responding to a

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1 Q. What is a 7548 report?

2 A. Basically, like an incident report.  
3 You write -- after you deal with the job,  
4 you write down basically what happened and  
5 the type of job it was. That's pretty  
6 much it.

7 Q. When is the 7548 report used?

8 A. You can use it in court as evidence  
9 for something to go off the initial job.  
10 It's pretty much has a narrative of what  
11 happened.

12 Q. Does the 7548 specifically get  
13 filled out for certain kinds of incidents?

14 A. Most incidents, yeah. There's  
15 different forms for several different  
16 things, but 48 is pretty much the standard  
17 for most jobs.

18 Q. What kind of information do you  
19 include in a 7548 form?

20 A. Name, date of birth, address of the  
21 complainant, as well as the offender, if  
22 there's an offender. The narrative. And  
23 the officer's information at the bottom.  
24 Then the date, time of the incident and

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1 child custody dispute?

2 A. Yes.

3 Q. Can you describe those procedures?

4 A. You request any paperwork that the  
5 Courts may have given out and you go read  
6 it and just confirm to see what the  
7 situation is and what the guidelines that  
8 the judge set up for them, and then you go  
9 off of that.

10 Q. Do the officers have the power to  
11 enforce the custody order?

12 A. Yes.

13 Q. So if an officer determined that  
14 the child was in the custody of the wrong  
15 parent, could the officer order the child  
16 be returned to the rightful parent?

17 A. Yes.

18 Q. Are you required to contact the  
19 supervisor in order to respond to a  
20 custody dispute?

21 A. No.

22 Q. Are you familiar with what's called  
23 a 7548 report?

24 A. Yes.

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1 the date, time the report was taken.

2 Q. What kind of information do you  
3 include in the narrative section of the  
4 7548?

5 A. Whatever the job was; whatever it  
6 was stated by the complainant.

7 Q. Did you say whatever was stated by  
8 the complainant?

9 A. Yes.

10 Q. So would you record all of your  
11 interactions with the complainant or  
12 citizen that you came into contact with?

13 A. It's pretty much just a paragraph,  
14 like the bulk of what happened. You don't  
15 have to put everything little detail in  
16 it. It's just like a paragraph of what  
17 goes off of everything and if more needs  
18 to be said you can attach a second 48 to  
19 it, but usually it's not required.

20 Q. Would you typically list every  
21 interaction you had with the complainants  
22 or individuals that were involved in the  
23 incident?

24 A. Not typically, no.

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1 Q. Is there any kind of guidelines on  
2 what to include or what not to include?  
3 A. Just in a paragraph as much  
4 pertinent information as necessary just to  
5 get the bulk of what happened so you can  
6 go off on that. It's mainly the important  
7 stuff.  
8 Q. Are you supposed to thorough in  
9 your 7548 report?  
10 A. As thorough as the incident, what  
11 you did in the incident and the outcome of  
12 the incident. That's really it. Not  
13 every little nuance isn't necessary, just  
14 the important stuff.  
15 Q. But you would describe your major  
16 actions?  
17 A. Yes.  
18 Q. How do you decide between you and  
19 your partner -- when you're working with a  
20 partner -- who completes the form?  
21 A. Usually -- how we do it anyway, if  
22 you drive, the passenger does the 48 and  
23 vice versa.  
24 Q. When you were working with Officer

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1 Q. 12 a.m. to 8:15 a.m.?  
2 A. Yes.  
3 Q. Do you recall what you were doing  
4 before your shift that day?  
5 A. Probably sleeping.  
6 Q. How many shifts did you work per  
7 week, in September of 2015?  
8 A. All together, I couldn't tell you.  
9 Q. Per week?  
10 A. Per week, we do four on two off and  
11 then five on two off. And it goes like  
12 that every week.  
13 Q. Did you have a partner during your  
14 September 14th shift?  
15 A. Yes.  
16 Q. Was it Officer Navedo?  
17 A. Yes.  
18 Q. Where did you report on the evening  
19 of September 13th before your shift on the  
20 14th?  
21 A. You mean for work?  
22 Q. Correct.  
23 A. 12th District.  
24 Q. Where is the 12th District?

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1 Navedo who did most of the driving?  
2 A. He did most of the driving. I  
3 would drive every once in a while.  
4 Q. So did you fill out most of the  
5 7548 reports?  
6 A. Yes.  
7 Q. Philadelphia Police Department  
8 patrol cars didn't have any kind of audio  
9 or video devices in September of 2015, did  
10 they?  
11 A. No.  
12 Q. In the 12th District -- you're in  
13 the 12th District; correct?  
14 A. Yes, sir.  
15 Q. Did any of the police officers in  
16 the 12th District have body cameras or  
17 audio recording devices, in September of  
18 2015?  
19 A. No.  
20 Q. Were you on duty during the early  
21 morning of September 14th, 2015?  
22 A. Yes.  
23 Q. What was your shift?  
24 A. It was 12 a.m. to 8:15 a.m.

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1 A. 6448 Woodland Avenue. That's  
2 Southwest Philly.  
3 Q. What did you do when you reported  
4 to the 12th District prior to your shift?  
5 A. You got dressed, lined up for roll  
6 call. Then got our assignments and went  
7 out on patrol.  
8 Q. Do you recall what your first  
9 assignment was on the morning of September  
10 14th, 2015?  
11 A. No.  
12 Q. Was it a complaint about a child  
13 custody dispute from a Mrs. Sinquenna  
14 Mohammed?  
15 A. That might have been the first one.  
16 It probably was, if I recall.  
17 Q. Do you recall how you first learned  
18 about the child custody issue?  
19 A. The woman came to the district --  
20 to the district window and stated that  
21 there was an issue with her child custody  
22 and she had the paperwork. And we went  
23 over the paperwork with her.  
24 Q. Were you the first one to speak

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1 with her that evening?

2 A. I don't remember.

3 Q. Do you recall what time -- had she

4 been there for a while before your shift

5 started?

6 A. I don't know if she was.

7 Q. Was Officer Navedo with you at that

8 time?

9 A. I believe he was.

10 Q. What did you discuss with

11 Ms. Mohammed?

12 A. We went over the paperwork. And

13 the issue was that she, I think, was

14 supposed to have the child during the week

15 and he had it on the weekends and the

16 weekend was over, but it was a holiday, I

17 think, that Monday so he stated that that

18 counts as a weekend. And she didn't know

19 that. So that was the issue and we tried

20 to resolve it that way.

21 Q. What papers did you review with

22 Ms. Mohammed?

23 A. They were Court order papers about

24 that custody.

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1 Q. So you told her that it looked like

2 Mr. Hunter was supposed to have custody of

3 the child for the weekend including the

4 Monday if the Monday was a holiday?

5 A. Yes.

6 Q. What did she say to that?

7 A. I don't remember.

8 Q. What did you do after telling her

9 that Mr. Hunter should have been the

10 person to have custody of the child?

11 A. I don't remember exactly what we

12 did at that point.

13 Q. Did you go to Mr. Hunter's

14 residence to talk to him?

15 A. Yeah. I think we did eventually go

16 to talk to him to make sure both parties

17 were satisfied.

18 Q. So why would you go to speak with

19 Mr. Hunter if you were convinced or

20 believed that he was in rightful custody

21 of his child?

22 A. I'm not even sure it was my call to

23 do it. But I guess to make sure both

24 parties understood. I really don't

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1 Q. Did you make any determination

2 after looking at the court order papers?

3 A. If I recall, we determined that he

4 still had the child for that Monday and

5 the child had to be returned by Tuesday.

6 Q. I mean when you were speaking with

7 Ms. Mohammed did you think that she had

8 rightful custody at that time?

9 A. At that time I didn't know what

10 kind of opinion to make until I went over

11 the paperwork. But from what I was

12 reading it seemed that she had mistaken

13 and she wasn't supposed to have custody

14 until Tuesday.

15 Q. Was that your understanding based

16 on your initial actions with Ms. Mohammed?

17 A. Before or after I read the

18 paperwork?

19 Q. Well, when did you read the

20 paperwork?

21 A. Well, pretty much as soon as she

22 came up and told us the situation she gave

23 me the paperwork and we told her what the

24 situation was.

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1 remember.

2 Q. Isn't 12:30 in the morning pretty

3 late to go and have a discussion with

4 Mr. Hunter if you believe that he had

5 rightful custody of the child?

6 MS. FUNG: Objection to

7 form, but you can answer the

8 question.

9 THE WITNESS: I don't

10 remember why. Like I said, I

11 don't think it was my call to go.

12 I agree with you right now that

13 it's too late. But for the

14 meaning back then, I don't know

15 why.

16 BY MR. MCCLAM:

17 Q. Whose call was it to go to Mr.

18 Hunter's residence?

19 A. It would have been my partner's,

20 but I can't be sure.

21 Q. So either your partner or somebody

22 else told you that you had to go speak to

23 Mr. Hunter; is that right?

24 A. I think that seems reasonable.

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1 Yeah.

2 Q. Did Ms. Mohammed ever say that she  
3 thought the child might be in danger?

4 A. I don't recall.

5 Q. Did she ever express any concern  
6 about the well-being of the child?

7 A. I don't recall.

8 Q. Did Ms. Mohammed ever say that  
9 Mr. Hunter or Ms. Shujaa were abusive  
10 toward her daughter?

11 A. I don't recall.

12 Q. So what did you do after speaking  
13 with M. Mohammed?

14 A. I don't recall. I know at one  
15 point we went to the house, but I don't  
16 know if it was right after or what the  
17 situation was leading up to that point.  
18 It was too long ago.

19 Q. What did you hope to accomplish at  
20 Mr. Hunter and Ms. Shujaa's residence?

21 A. Make sure the job was taken care of  
22 and both parties were happy.

23 Q. What do you mean the job taken care  
24 of?

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1 A. Me personally, no.

2 Q. Are you aware of anyone else trying  
3 to call Mr. Hunter?

4 A. I'm not aware.

5 Q. Did you ask Ms. Mohammed if she had  
6 spoken to Mr. Hunter that evening?

7 A. I believe I did to make sure that  
8 she knew what was going on and he knew  
9 what was going on because there was  
10 obviously a lack of communication. So I'm  
11 pretty sure I did ask her just to get to  
12 the bottom of the situation.

13 Q. How did she respond?

14 A. I don't think she made contact with  
15 him before then. But I can't remember.

16 Q. Did you tell Ms. Mohammed that you  
17 would return the child to her?

18 A. I didn't personally. No.

19 Q. Did Mr. Hunter?

20 A. No.

21 Q. Did Ms. Mohammed go with you at the  
22 plaintiffs' residence?

23 A. I believe she waited at the  
24 district.

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1 A. Like, closed out. Like, do a 48  
2 and say we spoke to her and this is what  
3 the outcome was and close it out and go on  
4 to the next job.

5 Q. Did you want to go speak to  
6 Mr. Hunter after you saw the paperwork  
7 from Ms. Mohammed?

8 A. Me, personally? No. No. I like  
9 to take care of the job and go on to the  
10 next one. I don't like to drag it out.  
11 So no.

12 Q. Did you ever tell Officer Navedo  
13 that you didn't think he needed to go to  
14 Mr. Hunter's residence?

15 A. I don't believe I did. No.

16 Q. Did you speak with anybody besides  
17 Ms. Mohammed and Officer Navedo before  
18 going to the plaintiffs' residence?

19 A. No.

20 Q. Did you speak with the supervisor?

21 A. I don't think I did. No. I don't  
22 recall if I did.

23 Q. Did you ever try calling Mr. Hunter  
24 on the phone?

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1 Q. Did you ever see her again?

2 A. I don't remember.

3 Q. Did you ever see her again that  
4 evening?

5 A. I think -- I honestly don't  
6 remember even what she looks like.

7 Q. So to your knowledge you don't  
8 recall ever speaking with her again after  
9 being in the district?

10 A. To my knowledge, no.

11 Q. Do you recall how you got from the  
12 district to the plaintiffs' residence?

13 A. We drove there.

14 Q. Did Officer Navedo drive?

15 A. I drove.

16 Q. Any particular reason or you just  
17 felt like driving that night?

18 A. I think he didn't feel like  
19 driving.

20 Q. Do you why not?

21 A. Sometimes, you know, he just  
22 doesn't feel like it and we switch off.

23 Q. Did Officer Navedo say anything  
24 generally about how he was feeling that

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1 evening?

2 A. Not that I recall.

3 Q. He didn't seem to be in bad humor  
4 that night?

5 A. No.

6 Q. Do you recall what time you arrived  
7 at -- on location at plaintiffs'  
8 residence?

9 A. It had to be after midnight, but  
10 I'm not sure what time. Maybe 12:30, 1  
11 o'clock.

12 Q. I'm going to hand you what I'm  
13 going to ask the court reporter to mark as  
14 Exhibit-1 or Schutte-1.

15 (Whereupon the document  
16 was marked, for identification  
17 purposes, as Exhibit Schutte-1.)

18 BY MR. MCCLAM:

19 Q. Schutte-1 is a transcript of a  
20 series of dispatcher and radio  
21 transmissions.

22 I'm going to start right now just  
23 by asking you about the top transmission  
24 that starts with Monday, 9/14/2015,

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1 A. Yes.

2 Q. Do you know if you made the call or  
3 if Officer Navedo did?

4 A. I don't remember that.

5 Q. If you're driving would you expect  
6 Officer Navedo to make the call?

7 A. Not always. It's really not set in  
8 stone.

9 Q. What does investigate premise mean?

10 A. It means you pretty much check out  
11 the location and if everything seems  
12 normal, you investigated it and you close  
13 it out as an investigated premises or an  
14 invest prem.

15 Q. Invest prem -- that's short for  
16 investigated premise?

17 A. Yes.

18 Q. As police officers you guys have a  
19 lot of shorthands; is that right?

20 A. Yeah. Pretty much.

21 Q. What happened when you got to the  
22 plaintiffs' residence at or around 12:15  
23 a.m., on September 14th, 2015?

24 A. I believe we went up and knocked on

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1 00:14:20.

2 Do you see that?

3 A. Yes.

4 Q. Do you understand that transmission  
5 transcripts to be a recording of the  
6 communication between 1201 and the radio  
7 on the evening of September 14th, 2015 at  
8 12:14 a.m.?

9 A. Yes.

10 Q. Does this refresh your recollection  
11 as to what time you responded to the  
12 complaint at the -- let me start over.  
13 Does this refresh your recollection as to  
14 what time you went to the plaintiffs'  
15 residence for the first time?

16 A. Yes.

17 Q. What time did you go to plaintiffs'  
18 residence?

19 A. 12:14 a.m.

20 Q. Is this call recording  
21 memorializing you or Officer Naveda's call  
22 into the radio saying that you were going  
23 to investigate the premise at plaintiff  
24 residence?

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1 the door. Made contact with, I believe --  
2 I'm sorry, I forget his name -- the  
3 gentleman.

4 Q. Mr. Hunter?

5 A. Yes. Mr. Hunter.

6 We were trying to talk to him about  
7 the situation and I'm not really sure what  
8 exactly was said. I don't remember. But  
9 I know we made contact with him at his  
10 door.

11 Q. Was Mr. Hunter the first person  
12 that you saw at the residence?

13 A. I don't remember.

14 Q. Do you remember if one of his  
15 children opened the door?

16 A. I don't remember that.

17 Q. Did you see inside the residence?

18 A. Barely. I remember, because it was  
19 dark, and for safety reasons I had to  
20 shine a light in the dark to see if  
21 anybody was hiding behind windows or  
22 anything like that. I didn't really see  
23 much. I saw several children lying on the  
24 floor. That's pretty much all I could see

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1 from that point.

2 **Q. What was your vantage point when**  
3 **you saw several children lying on the**  
4 **floor?**

5 A. I was on the porch. There was a  
6 double window, and the glass part was  
7 open, the screen was down and there was no  
8 lights on inside.

9 **Q. So you shined your light into the**  
10 **house through the window and you could see**  
11 **the sleeping children in there?**

12 A. Yes.

13 **Q. Did you ever look through the front**  
14 **door when it was opened?**

15 A. I think when he opened the door it  
16 was he kind of opened like a crack. So I  
17 didn't really see anything in there. So I  
18 didn't even try.

19 **Q. Did you ever go inside the**  
20 **residence?**

21 A. No.

22 **Q. How many children did you see?**

23 A. I don't recall the exact number. I  
24 know there was, like, a few, from what I

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1 the child was in danger we  
2 probably would request to see to  
3 see if the child was okay. But at  
4 that point, I didn't think the  
5 child was in danger. So I didn't  
6 request to see the child.

7 BY MR. MCCLAM:

8 **Q. This wasn't a check on the**  
9 **well-being of a child?**

10 A. Unn-nn. No.

11 **Q. Did you see anybody besides**  
12 **Mr. Hunter at the residence?**

13 A. I believe there was another woman  
14 there. I don't remember her face or  
15 anything. But I know there was another  
16 woman there.

17 **Q. Was that Ms. Shujaa?**

18 A. I would assume it was, but I don't  
19 remember now.

20 **Q. Can you describe your interactions**  
21 **with Mr. Hunter and the female?**

22 A. I know we were trying to talk to  
23 them. And they pretty much went off on us  
24 and yelled at us for knocking on the door

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1 could understand and make out in the dark.

2 **Q. So more than two?**

3 A. I think it was more than two.

4 Maybe three or four, but I can't really be  
5 sure, though.

6 **Q. Were the children sleeping?**

7 A. I believe they were.

8 **Q. Did you try to be quiet because --**  
9 **be quieter because there were sleeping**  
10 **children inside?**

11 A. Yeah. I mean we spoke normal.

12 Kept our voices down for the sake of the  
13 neighborhood basically and for the people  
14 in the residence.

15 **Q. Did you see the child that was the**  
16 **subject of the custody dispute?**

17 A. I don't recall.

18 **Q. Would you have requested to see her**  
19 **in the process of investigating a custody**  
20 **dispute?**

21 MS. FUNG: Objection to  
22 form. You can answer the  
23 question.

24 THE WITNESS: If I felt

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1 so later, which I can understand. But  
2 they were being very uncooperative and  
3 vulgar and we pretty much couldn't get  
4 anything accomplished. Yeah.

5 **Q. Mr. Hunter and Ms. Shujaa yelled at**  
6 **you on the first time you went to their**  
7 **residence to investigate the custody**  
8 **dispute?**

9 A. I don't think it was -- not the  
10 first time, I don't think. They were calm  
11 the first time. The second time around  
12 they were just -- they went off on us.

13 **Q. Did Mr. Hunter or Ms. Shujaa ever**  
14 **express frustration that you were coming**  
15 **to investigate the custody dispute?**

16 A. I would assume they were frustrated  
17 because they were yelling at us and  
18 cursing at us. Yes.

19 **Q. Did they express their frustration**  
20 **during the first interaction when they**  
21 **were explaining to you the custody order?**

22 A. I don't believe so. I think once  
23 we told them why we were there they were  
24 being calm. I don't remember exactly what

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1 was said. But they weren't as hot headed  
2 the first time around.

3 Q. Could you tell that Ms. Shujaa was  
4 pregnant at the time?

5 A. I don't recall. No.

6 Q. Did you know that she was four and  
7 a half months pregnant on that date?

8 A. No.

9 Q. Did she -- Did Ms. Shujaa ever come  
10 outside?

11 A. I don't think she did. I don't  
12 recall.

13 Q. How long did the first encounter  
14 with the plaintiffs last?

15 A. Maybe five, ten minutes.

16 Q. How was it resolved?

17 A. I think we stated -- I honestly  
18 don't remember. There's been so many  
19 other jobs since then, I don't really  
20 think about them so I couldn't tell you.

21 Q. Did Mr. Hunter and Ms. Shujaa show  
22 you documentation that said that the child  
23 was supposed to stay with them that  
24 evening?

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1 after the first encounter?

2 A. Probably about, maybe, 12:30 or so.  
3 It didn't last that long.

4 Q. Had you ever met Mr. Hunter and  
5 Ms. Shujaa before this incident?

6 A. No.

7 Q. What happened after you left  
8 Mr. Hunter and Ms. Shujaa's residence  
9 after the first encounter?

10 A. We were sitting in the wagon about  
11 to start the 48 for the job and we saw on  
12 the computer that a request for a  
13 supervisor for that location had come out.

14 Q. So you saw on the computer that  
15 there was a request for a supervisor?

16 A. Yes.

17 Q. Did you hear a call over the radio  
18 for a request for a supervisor?

19 A. I don't recall.

20 Q. Let's look back at Exhibit-1. Look  
21 down to the second page where it says  
22 9/14/15, 00:48:58.

23 Do you see that?

24 A. Yes.

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1 A. I think. I think Mr. Hunter may  
2 have had a copy of it. He may have showed  
3 us, but I can't be completely sure.

4 Q. Did you review the paperwork that  
5 he had?

6 A. I believe my partner did.

7 Q. Where did your partner review the  
8 paperwork?

9 A. Right there on the porch.

10 Q. What were you doing while your  
11 partner was reviewing the paperwork?

12 A. Standing by.

13 Q. Standing by on the porch?

14 A. Yeah. Next to him.

15 Q. What did you do next?

16 A. Once he was done with the paperwork  
17 I just followed him out back to the wagon.

18 Q. Was Officer Navedo convinced that  
19 Mr. Hunter was, in fact, in proper custody  
20 of the child?

21 A. I believe he was, but I can't speak  
22 for him.

23 Q. Do you know what time you left  
24 Mr. Hunter and Ms. Shujaa's residence

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1 Q. Can you take a second to review  
2 that transcript portion.

3 A. Okay.

4 Q. Does this refresh your recollection  
5 as to whether or not there was a call for  
6 a supervisor?

7 A. Yes, it does.

8 Q. Was that call for a supervisor only  
9 at 1242 South 51st Street?

10 A. Yes.

11 Q. What is a supervisor only request  
12 mean?

13 A. That could mean a number of things.  
14 That means that a supervisor is requested.  
15 Usually, from experience, if someone wants  
16 to make a complaint against an officer is  
17 pretty much the main reason a citizen  
18 would want a supervisor.

19 Q. So you understood, at this time,  
20 when the radio call was made that there  
21 had been a request for a supervisor at  
22 1242 South 51st Street; correct?

23 A. Yes.

24 Q. And 1242 South 51st Street is

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1 Mr. Hunter -- or was Mr. Hunter and Ms.  
2 Shujaa's residence; correct?  
3 A. Yes.  
4 Q. What did you do after you heard  
5 that call?  
6 A. We waited in the wagon until the  
7 supervisor showed up.  
8 Q. How long did you wait?  
9 A. I'm not sure. A few minutes.  
10 Five, ten minutes.  
11 Q. You didn't respond before the  
12 supervisor got there?  
13 A. No.  
14 Q. Why not?  
15 A. We weren't called to respond.  
16 Q. So the call is for a supervisor you  
17 wait for the supervisor to show up; right?  
18 A. Yeah.  
19 MR. MCCLAM: I'm going to  
20 ask the court reporter to mark  
21 this document Schutte Exhibit-2.  
22 (Whereupon the document  
23 was marked, for identification  
24 purposes, as Exhibit Schutte-2.)

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1 appointed or hired by the Philadelphia  
2 Police Department?  
3 A. Yes.  
4 Q. Is your assignment date the first  
5 day of work at the Philadelphia Police  
6 Department?  
7 A. Yes.  
8 Q. Do you see at the bottom where it  
9 says, in the presence of?  
10 A. Yes.  
11 Q. Who is William Davis, Esquire?  
12 A. I don't remember who that is.  
13 Q. Do you know who William Michael  
14 was?  
15 A. No. I don't remember.  
16 Q. Okay. I want to go down, if you  
17 turn the page to Page 2, which has what we  
18 call the Bates number in the bottom  
19 right-hand corner, D054.  
20 Do you see that?  
21 A. Yes.  
22 Q. I want to point your attention to  
23 large black paragraph in the middle.  
24 Do you see the sentence beginning

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1 BY MR. MCCLAM:  
2 Q. Please take a minute to review  
3 Exhibit-2.  
4 A. Okay.  
5 Q. Do you recognize Exhibit-2?  
6 A. Yes.  
7 Q. Are you familiar with it?  
8 A. Yes.  
9 Q. What is Exhibit-2?  
10 A. It's the initial, I guess,  
11 interview with myself.  
12 Q. What kind of interview is it?  
13 A. Going over the nature of the call  
14 and what took place.  
15 Q. Was this in response to a complaint  
16 that was made based on your interactions  
17 with the plaintiffs in this case?  
18 A. Yes.  
19 Q. Was your statement recorded on  
20 October 19th, 2015?  
21 A. Yes.  
22 Q. While we've got it out, it says  
23 appointment 12/22/2014.  
24 Is that the date you were first

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1 with, we were sitting in the wagon  
2 updating the log?  
3 A. I'm sorry, where was it?  
4 Q. Right in the middle.  
5 A. Yes. I see it.  
6 Q. Your statement says, we didn't even  
7 leave the scene yet. We were sitting in  
8 the wagon updating the log and we got  
9 another call for that same address. The  
10 call came out as a disturbance. So we  
11 went and knocked back up at the residence.  
12 So we heard yelling after we're knocking.  
13 I shined my light to if they were okay and  
14 then I realized they were saying, leave us  
15 alone, stop banging on the door. They  
16 opened the door a little bit. I shined my  
17 light because I could not see what they  
18 may have in there. They told us to leave  
19 them alone and they slammed the door on  
20 us. So we went to leave again and another  
21 call wet out for a supervisor at that  
22 location. Our lieutenant showed up and he  
23 knocked on the door and there was no  
24 answer.

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1 Do you see that?

2 A. Yes.

3 Q. Does that refresh your recollection  
4 as to whether or not you waited for the  
5 supervisor to show up on the scene before  
6 you went back to the plaintiffs' residence  
7 on that evening?

8 A. Yes. I believe I might have been a  
9 mistake at that time with my memory. I  
10 remember waiting in the wagon at one point  
11 waiting for the lieutenant. I'm not sure  
12 if it was the -- at the time -- I wasn't  
13 sure it was the second or third time that  
14 the call went out.

15 Q. Do you recall going back to the  
16 residence a second time without Lieutenant  
17 Disanto?

18 A. I believe we might have.

19 Q. Lieutenant Disanto was the  
20 supervisor that eventually showed up; is  
21 that right?

22 A. Yes, it is.

23 Q. So after you heard a call over the  
24 radio for a supervisor only, you went back

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1 A. I think it might have been from my  
2 memory. I think I made a mistake. I  
3 can't really recall, to be honest.

4 Q. After the custody dispute issue was  
5 resolved, what do you recall about your  
6 interactions with the plaintiffs at their  
7 residence?

8 A. Just that they were yelling at us  
9 and cursing at us.

10 Q. Did you leave after they were  
11 yelling and cursing at you?

12 A. I guess we must have. I don't  
13 remember. Usually if something like that  
14 happens and they don't want assistance  
15 there's not much we can do for them so we  
16 would leave.

17 So I'm assuming we left. But I  
18 can't remember if we left exactly after  
19 that. But I think we went back to the  
20 wagon. We didn't leave the street. We  
21 were still parked out front. We were in  
22 the wagon.

23 Q. Do you recall the door having been  
24 opened on your second interaction with the

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1 to the plaintiffs' residence before the  
2 supervisor arrived; correct?

3 A. I don't think we did. I think we  
4 went back to the wagon once the supervisor  
5 call came out to wait for him so we  
6 wouldn't cause any more trouble.

7 Q. Can you speak a little bit slower.

8 A. Sorry. I think at the point when  
9 they were calling for a supervisor, we  
10 went back to wait so we didn't cause more  
11 trouble because, obviously, there was some  
12 kind of issue if the supervisor was coming  
13 out. I think we waited for him the next  
14 time around. And then when the supervisor  
15 we met with him.

16 Q. So are you that there were -- how  
17 many times did you go back to Mr. Hunter  
18 and Ms. Shujaa's residence?

19 A. I believe just -- I believe once  
20 before the supervisor got there and then,  
21 again, when the supervisor got there.

22 Q. So is your position here today that  
23 what your statement from October 19th,  
24 2015, in Exhibit-2, is incorrect?

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1 plaintiffs?

2 A. I don't think it was. I think they  
3 were yelling through the window. I don't  
4 remember.

5 Q. It says in your statement here,  
6 they opened the door a little bit. I  
7 shined my light?

8 MS. FUNG: Can you tell me  
9 where --

10 MR. MCCLAM: Sure. In the  
11 block paragraph there.

12 BY MR. MCCLAM:

13 Q. In the block paragraph it says,  
14 they opened the door a little bit. I  
15 shined my light because I could not see  
16 what they may have in there.

17 Does this refresh your recollection  
18 as to whether or not somebody at the  
19 residence opened the door?

20 A. It does, actually. Yeah. I think,  
21 yeah. They opened it and I can't tell how  
22 long -- I think it was two seconds they  
23 opened it and yelled something and then  
24 slammed it. That's pretty much it. I

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1 couldn't see anyone at the door.  
2 Actually, it was opened a little bit and  
3 then they slammed it.  
4 Q. Do you know who was on the other  
5 side of the door?  
6 A. I assume both of them, because I  
7 can hear both of them yelling.  
8 Q. Did you shine your light inside the  
9 house?  
10 A. I shine the light at the door when  
11 they opened it, but I didn't see anything.  
12 No. It was too quick.  
13 Q. How close were you to the door at  
14 the time?  
15 A. The door is, like, right here. And  
16 I'm standing on the porch and shining the  
17 light like that. Because once it opened I  
18 backed up, you know, out of habit for  
19 safety, because I don't want to get shot  
20 or anything. So force of habit, someone  
21 opened up real quick and slammed it. I  
22 kind of backed up, put my light up and  
23 didn't notice anything in the doorway.  
24 Q. You motioned for how far away you

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1 A. Yes.  
2 Q. What is Exhibit-3?  
3 A. I see a second interview regarding  
4 the incident.  
5 Q. Do you recall the circumstances  
6 around why you were called to give a  
7 second interview regarding this incident?  
8 A. I believe it had something to do  
9 with discrepancies with my recalling the  
10 incident at the time.  
11 Q. Do you know which discrepancies was  
12 at issue?  
13 A. The number of times when the  
14 supervisor was called and who did the 48.  
15 They stated I did it, but it was actually  
16 my partner.  
17 Q. Does Exhibit-3 refresh your  
18 recollection as to how many times you went  
19 to the plaintiffs' residence?  
20 A. Yes, it does.  
21 Q. And how many times did you go to  
22 plaintiffs' residence?  
23 A. Twice, I believe.  
24 Q. Do you see on the page that has

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1 were from the door. We don't have a video  
2 camera here. Was it, like, 15 inches?  
3 A. I didn't jump back. I just kind of  
4 went back like that.  
5 Q. You leaned backwards?  
6 A. Yeah. Yeah. Kind of like a shock  
7 thing.  
8 Q. Before they opened it were you up  
9 against the door?  
10 A. No. We usually stand to the side  
11 of the doorways on any jobs, because it's  
12 also a habit that we form for safety.  
13 MR. MCCLAM: I'm going to  
14 ask the court reporter to mark  
15 this document as Schutte  
16 Exhibit-3.  
17 (Whereupon the document  
18 was marked, for identification  
19 purposes, as Exhibit Schutte-3.)  
20 BY MR. MCCLAM:  
21 Q. Please take a minute to review  
22 Exhibit-3.  
23 Have you had a chance to review  
24 Exhibit-3?

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1 D058 on the bottom?  
2 A. Yes.  
3 Q. It says -- I guess the fourth  
4 question/answer down -- P/O Schutte,  
5 during that first interview do you recall  
6 being asked if the second radio call you  
7 responded to was for a disturbance or was  
8 it for a supervisor to take the location  
9 in which you were still out front. And  
10 said, yes.  
11 Do you see that?  
12 A. Yes.  
13 Q. It says, do you recall answering  
14 that it was for a disturbance? Answer:  
15 Yes, I did recall that it was for a  
16 disturbance.  
17 The next question is, after  
18 reviewing the transcription to refresh  
19 your memory, can you tell me what the  
20 second radio call was? And you answered,  
21 it was a call for a supervisor.  
22 The question after that is: P/O  
23 Schutte, if it was a call for a  
24 supervisor, why did you and your partner

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1 return to the residence?  
 2 Do you see that?  
 3 A. Yes.  
 4 Q. Does -- your supervisor wasn't  
 5 there at the time you returned to the  
 6 residence when there was a call out for a  
 7 supervisor initially; correct?  
 8 A. No, he wasn't. He was on his way,  
 9 from what I understand.  
 10 Q. So the second time you went to the  
 11 residence it was just you and Officer  
 12 Navedo; correct?  
 13 A. Yes.  
 14 Q. So if it was a call for a  
 15 supervisor, why did you and Officer Navedo  
 16 return to the residence without a  
 17 supervisor?  
 18 A. I don't remember why at the time.  
 19 At the time since I was still kind of new,  
 20 I kind of just followed what my partner  
 21 did for on calls, because I know he had  
 22 more time in than me. I was not one to  
 23 argue with people who had more time on.  
 24 So I was kind of just there as his

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1 Q. Did you or Officer Navedo  
 2 communicate with Lieutenant Disanto about  
 3 your decision to return to the resident --  
 4 let me start over. Did you or Officer  
 5 Navedo communicate with Lieutenant Disanto  
 6 that you would be going back to the  
 7 residence in response to the supervisor  
 8 only call?  
 9 A. Only just as a backup and he  
 10 agreed. He doesn't like doing thing  
 11 alone. That's why we said we would stay  
 12 there to back him up and he agreed.  
 13 Q. I'm going to point your attention  
 14 back to Exhibit-1, on Page D74. I'm at  
 15 the entry that begins Monday, 9/14/15,  
 16 00:48:58.  
 17 Do you see that?  
 18 A. Yes.  
 19 Q. Do you any communication from you  
 20 or Officer Navedo about backing up the  
 21 lieutenant?  
 22 A. No. We told him verbally in person  
 23 when he arrived that we would stay there  
 24 to back him up. Not over the radio.

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1 partner.  
 2 Q. Was it Officer Navedo's decision to  
 3 return to the residence after the  
 4 supervisor only call came out?  
 5 A. I believe it was. I don't think I  
 6 would have.  
 7 Q. Did you tell him that you didn't  
 8 think you should go back to respond to a  
 9 call for a supervisor only?  
 10 A. I don't remember if I actually told  
 11 him. But given our partnership, I  
 12 probably did say something along those  
 13 lines, but I don't recall what was sat  
 14 about that.  
 15 Q. Do you know how long you had been  
 16 away from the residence after resolving  
 17 the custody dispute before you heard the  
 18 call over the radio for a supervisor only?  
 19 A. I don't think it was too long. I  
 20 don't know exactly. But I don't think it  
 21 was too long.  
 22 Q. Did you and Officer Navedo go  
 23 immediately back to the residence?  
 24 A. I don't remember.

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1 Q. So that was after you had already  
 2 responded to the supervisor only call;  
 3 correct?  
 4 A. Yes.  
 5 Q. But before Lieutenant Navedo  
 6 arrived on the scene, you didn't have any  
 7 communications with him about this  
 8 incident; correct?  
 9 A. You mean Lieutenant Disanto?  
 10 Q. Yes.  
 11 A. No, no communication over the  
 12 radio. We don't communicate between each  
 13 other over the radio, it's only through  
 14 dispatch so we wouldn't have contacted  
 15 him.  
 16 Q. Is there a way you could have  
 17 communicated with Lieutenant?  
 18 A. Cell phone, but we didn't.  
 19 Q. I'm still in Exhibit-1. Turn over  
 20 to D76. The entry that starts with  
 21 Monday, 9/14/15, 1:06:08.  
 22 Do you see that?  
 23 A. Yes.  
 24 Q. Can you take a second to review

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1 this call transcript.  
2 A. Okay.  
3 Q. Can you describe what the call at  
4 the bottom of D76 is about?  
5 A. This would leave me to believe that  
6 we assumed the situation was handled or  
7 done so either myself or my partner  
8 resumed supervisor. I don't remember who.  
9 And that's when they told us they called  
10 back again. So we still decided to show  
11 up and wait. That was it.  
12 Q. So after you and Officer Navedo  
13 responded to the supervisor only, you made  
14 a call over the radio that the plaintiffs  
15 no longer needed a supervisor; is that  
16 right?  
17 A. Yes.  
18 Q. Do you know if you made that call  
19 or if Officer Navedo did?  
20 A. I don't think I did. Yeah, for me  
21 over the radio, I wouldn't have asked, are  
22 you sure about that. I just take the  
23 command or the call.  
24 Q. I think that's radio to 1201. So

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1 So if you look back at D74, do you  
2 see that? That's the radio request for a  
3 supervisor only that went out at around  
4 12:48 a.m., on September 14th; right?  
5 A. Yes.  
6 Q. Then, if you look on D76, there's a  
7 call at 1:06 a.m. saying they no longer  
8 need a supervisor.  
9 A. Hmm-mm.  
10 Q. So there's a span of time of 18  
11 minutes, plus or minus a few seconds,  
12 between when the call for a supervisor  
13 came out --  
14 A. Yes.  
15 Q. -- and your call or Officer  
16 Navedo's call saying that a supervisor is  
17 no longer needed; is that correct?  
18 A. Yes.  
19 Q. So adding time from walking to and  
20 from the police vehicle, how much time  
21 were you interacting with the plaintiffs  
22 on their front steps -- or front porch?  
23 A. Interacting with them or being on  
24 location?

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1 that would have been from radio to you.  
2 A. Oh, okay.  
3 Q. Then 12 DC to radio, is that  
4 Lieutenant Disanto's response?  
5 A. Yes.  
6 Q. So he's saying he's on the way  
7 anyway; he's going to come?  
8 A. Yes.  
9 Q. Do you recall how long you were up  
10 on the porch at the residence from after  
11 the call for this supervisor only came out  
12 to when you left the porch?  
13 A. For after this call.  
14 Q. No. Before --  
15 A. The initial one?  
16 Q. Yeah.  
17 A. I'll go over this again. He said  
18 he was coming from Wawa and that was  
19 really far from the location we were at.  
20 So at least 15 minutes.  
21 Q. I'm trying to connect the dots for  
22 how long you were interacting with the  
23 plaintiffs on the second interaction after  
24 you left the custody dispute.

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1 Q. On location, on their front porch.  
2 A. Well, afterwards, we got off the  
3 porch; we were just on the sidewalk out  
4 front of the house, because we weren't  
5 talking to them anymore. So we didn't  
6 feel comfortable standing on the porch  
7 like that. So I think we were at the  
8 steps -- on the steps of the sidewalk when  
9 we were waiting for the lieutenant. So  
10 probably, like, 20 minutes on scene, give  
11 or take. Maybe a half hour.  
12 Q. Well, during that 20 minutes you  
13 went -- you knocked on the plaintiff's  
14 door; right?  
15 A. I believe -- yeah. I believe we  
16 did.  
17 Q. When you were done interacting with  
18 the plaintiffs you went back and called in  
19 that a supervisor was no longer needed;  
20 right?  
21 A. Yes.  
22 Q. How long were you on the front  
23 porch, either knocking on the door or  
24 talking to the plaintiffs?

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1 A. Well, talking to them on the porch  
2 wasn't -- I don't think it was that long.  
3 I don't really know the exact amount of  
4 time, but we were mostly waiting for the  
5 supervisor at that point because they  
6 slammed the door. We weren't getting  
7 anywhere with them and they were arguing.

8 Q. Do you recall where you were when  
9 the call came out for a supervisor only,  
10 initially?

11 A. I'm not really sure. I thought we  
12 were in the wagon, but we might not have  
13 been in the wagon. We might have been out  
14 front still. I'm not really sure.

15 Q. So you don't know if you had to  
16 actually drive back to the scene?

17 A. I don't think we drove back. I  
18 think we were parked across the street. I  
19 think we were just still there when the  
20 call came out. I'm not exactly sure.

21 Q. Well, if you were going to call in  
22 that a supervisor was no longer needed,  
23 you would wait for the supervisor first to  
24 make that call; right?

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1 who made that call, as I think about it.  
2 I'm not sure if we were in the wagon yet  
3 or not. I'm not sure how soon after the  
4 call was made.

5 Q. Is it -- in your experience is it  
6 customary for officers that are the  
7 subject of complaints to go back and  
8 confront the complaining civilians?

9 A. Unn-nn.

10 Q. Have you ever done that before?

11 A. No, no. I don't think I had a  
12 complaint against me until now, to be  
13 honest.

14 Q. But you're aware that after you  
15 came to deal with the custody dispute that  
16 Mr. Hunter and/or Ms. Shujaa called in a  
17 complaint about you and Officer Navedo?

18 A. Yes.

19 Q. And you did return back to the  
20 scene where the complainants, Mr. Hunter  
21 and Ms. Shujaa were; correct?

22 A. Yes.

23 Q. And you confronted them on their  
24 front porch; is that right?

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1 MS. FUNG: Objection.  
2 Objection to form. It's calling  
3 for speculation. He can answer if  
4 he has an answer.

5 THE WITNESS: I don't. I  
6 don't have an answer.

7 BY MR. MCCLAM:

8 Q. You don't know?  
9 Did you leave immediately when it  
10 was clear that the plaintiffs didn't want  
11 to speak with you or Officer Navedo?

12 A. I don't think we did. Because  
13 usually after a job we'll just sit in the  
14 vehicle and start up the log and the  
15 paperwork so we won't forget as the night  
16 goes on, and usually pull away.

17 Q. Did you go back -- or did you go  
18 back and did you or Officer Navedo make  
19 the call that a supervisor was no longer  
20 needed immediately after the plaintiffs  
21 made it clear they didn't want to speak to  
22 you?

23 A. I'm not sure how long soon  
24 afterwards. I believe it was my partner

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1 MS. FUNG: Objection. Can  
2 you define confronting?

3 THE WITNESS: Yeah. It  
4 sounds aggressive.

5 BY MR. MCCLAM:

6 Q. What does confront mean to you?

7 A. Like going up to someone and being  
8 aggressive. That's not how I operate.  
9 That's not how my partner operates.  
10 Confronting is sort of an ugly word.

11 Q. How would you describe the second  
12 interaction after Mr. Hunter and  
13 Ms. Shujaa had filed a complaint -- or  
14 called in a complaint about yourself and  
15 Officer Navedo?

16 A. Well, we approached the house  
17 again. And they went off on us. We  
18 didn't really go up like stereotypical  
19 cops, you know, seeing what was going on.  
20 I was just following my partner, because  
21 that's one of my jobs to be there for my  
22 partner.

23 Q. Do you think they have a right to  
24 be upset because the officers they were

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1 complaining about came back in response  
2 immediately after they made a complaint  
3 about those officers?

4 MS. FUNG: Objection to  
5 form. Again, calls for  
6 speculation. He can answer if he  
7 has an answer.

8 THE WITNESS: I don't have  
9 an answer.

10 BY MR. MCCLAM:

11 Q. Do you agree that it was  
12 inappropriate for you and Officer Navedo  
13 to respond to a supervisor only call after  
14 a complaint was filed against you by  
15 Mr. and Mr. Shujaa -- sorry. Let me start  
16 over.

17 Do you agree that it was  
18 inappropriate for you and Officer Navedo  
19 to respond to the complaint by Mr. Hunter  
20 and Ms. Shujaa without the presence of a  
21 supervisor?

22 A. At the time I guess I didn't. But  
23 I mean -- I mean at the time, I don't  
24 really know what I was thinking at the

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1 and I pretty much just do paperwork in the  
2 office.

3 Q. Why are you on limited duty?

4 MS. FUNG: I'm going to  
5 object and order him not to  
6 answer.

7 We can go off the record.

8 MR. MCCLAM: I think we  
9 can do this on the record. This  
10 is the kind of thing that's  
11 supposed to be on the record. You  
12 can explain your objection and  
13 then we'll have a record of it.  
14 Okay?

15 MS. FUNG: That's fine.  
16 I'm not going to get into any  
17 details, but yeah, sure. That's  
18 fine.

19 MR. MCCLAM: For the  
20 record, I think this is the kind  
21 of discussion that should be on  
22 the record. So go ahead.

23 Ms. Fung, did you want to  
24 make an objection?

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1 time. I thought we were doing the right  
2 thing, I guess. I was following my  
3 partner. I don't know. If I was solo  
4 maybe it would have been different. I  
5 don't know.

6 Q. Standing here today, was it  
7 inappropriate?

8 A. I guess now it is, yes. I guess it  
9 was not the best thing to do.

10 Q. You said, now, it is. Is there a  
11 change of policy that made it okay --

12 A. No. I just got more time on. I  
13 slowed down, doing like -- going from call  
14 to call, being like -- like I have even  
15 worked the streets for over a year now.  
16 I'm in the office now. So I really don't  
17 know.

18 Q. So you're no longer on patrol?

19 A. No. I'm in the office right now.

20 Q. Are you -- is there a reason why  
21 you're no longer on patrol?

22 A. I'm on limited duty.

23 Q. What is limited duty?

24 A. Not in uniform. I don't do patrol

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1 MS. FUNG: Yes. I have an  
2 objection to the question. I'm  
3 instructing my client not to  
4 answer the question. He is  
5 currently on desk duty. There is  
6 an open investigation. And he's  
7 not permitted to discuss the  
8 contents of an open investigation.

9 BY MR. MCCLAM:

10 Q. Is the investigation -- without  
11 getting into any details -- about some  
12 action you took while you were on the job?

13 A. Yes.

14 Q. When did that action take place?  
15 Can you give me a month and year?

16 A. May of 2017.

17 Q. And since May of 2017 have you been  
18 on desk duty?

19 A. Yes.

20 Q. Is that why you're wearing that  
21 very nice looking sports coat today?

22 A. Yes. And thank you.

23 Q. So what happened after you and  
24 Officer Navedo responded to the supervisor

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1 only call without a supervisor?

2 A. I think that's when they yelled at

3 us, if I recall. Yeah. That's when they

4 yelled at us. They opened the door,

5 slammed it and they cursed at us.

6 Q. That was when the supervisor was

7 not there; right, that they did the

8 yelling and cursing; is that correct?

9 A. Yes.

10 Q. What happened after that?

11 A. We waited for the supervisor. The

12 supervisor eventually showed up, knocked

13 on the door and nobody answered. So he

14 told us to make an invest prem. That was

15 it.

16 Q. Did you investigate the premise

17 when nobody answered the door?

18 A. No. That's just what you call it.

19 No statement at that point so you just

20 call it invest prem. We didn't

21 investigate anything.

22 Q. Nobody went in the back yard or

23 anything?

24 A. No. It's pretty much a generic

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1 Q. Did Officer Navedo tell them that

2 he was there responding to the complaint?

3 A. No. I don't think he would have

4 done that.

5 Q. The only reason you were there was

6 in response to their complaint; is that

7 right?

8 A. Yeah. I mean I don't remember why

9 we went back up so I couldn't really tell

10 you.

11 Q. Were Mr. Hunter and Ms. Shujaa

12 upset about the fact that you returned in

13 response to their complaint about you and

14 Officer Navedo?

15 A. I assume they were since they were

16 agitated and yelling.

17 Q. Do you recall what Mr. Hunter or

18 Ms. Shujaa said to you all in the second

19 visit?

20 A. Basically, they told us to leave

21 them the "f" alone and stuff like that

22 repetitive. And yelling. And pretty much

23 I kind of just tuned it out at that point.

24 It was a bunch of cursing.

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1 report to close it out.

2 Q. When you returned to the residence

3 after the supervisor only call and you

4 were without a supervisor, did Mr. Hunter

5 or Ms. Shujaa ever ask you why you were

6 there?

7 A. I don't remember exactly what they

8 said at that point.

9 Q. Did you ever tell Mr. Hunter and

10 Ms. Shujaa why you were there?

11 A. The second time?

12 Q. Yes.

13 A. I don't remember if we told them a

14 second time. I know, initially we told

15 them why we were there, obviously, so they

16 know what's going on. But I don't recall

17 if we said anything the second time.

18 Q. Did you say anything to them the

19 second time you were there?

20 A. I'm sure we did. I don't just

21 remember what we said.

22 Q. Did you tell them that you were

23 there responding to their complaint?

24 A. No.

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1 Q. How did you respond to the cursing?

2 A. I didn't say anything. I don't

3 usually curse on the job.

4 Q. How did Officer Navedo respond?

5 A. Same way. He's got more time in

6 than me. It doesn't usually bother him.

7 Q. Did you all turn around and leave

8 as soon as you heard from the plaintiffs

9 on the second visit?

10 A. At that point I think we did

11 because there's no point just sitting

12 there listening to it.

13 Q. Did plaintiffs ever tell you that

14 they were no longer going to assert a

15 complaint against you and Officer Navedo?

16 A. To my knowledge, no.

17 Q. Was the plaintiffs' complaint

18 resolved at that time?

19 A. I don't know if it was resolved,

20 because they didn't answer when the

21 lieutenant came up. So nothing was really

22 decided at that point. So I don't know if

23 that resolved it or not. I assume because

24 he didn't give the complaint form to them,

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1 because they didn't answer the door when  
2 he knocked up so I guess it wasn't  
3 resolved.  
4 **Q. You said, complaint form. How are**  
5 **complaints -- what's a complaint form for?**  
6 **A. It's pretty much like a sheet.**  
7 **Supervisor -- when there's a complaint**  
8 **that's supposed to be against an officer a**  
9 **supervisor will speak to them -- the**  
10 **person making the complaint -- and give a**  
11 **piece of paper to them for them to fill**  
12 **out. Make sure the complaint has the**  
13 **officer's name, badge number and all that**  
14 **stuff and they drop it off to the district**  
15 **and it's filed and sent up to the chain of**  
16 **command.**  
17 **Q. Do officers carry complaint forms?**  
18 **A. No. Because only supervisors can**  
19 **give them out.**  
20 **Q. So did you or Officer Navedo have a**  
21 **complaint form on you on the evening of**  
22 **September 14th, 2010?**  
23 **A. No. We don't carry them.**  
24 **Q. Sorry, I said 2010. I meant on the**

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1 **complaint to Lieutenant Disanto; correct?**  
2 **A. Yes.**  
3 **Q. And Lieutenant Disanto wasn't there**  
4 **the second time; correct?**  
5 **A. Correct.**  
6 **Q. Going back to the radio call, which**  
7 **is in Exhibit-1, on D76. 1201 to radio**  
8 **says, they no longer need a supervisor.**  
9 **Do you see that?**  
10 **A. Yes.**  
11 **Q. So why would they no longer need a**  
12 **supervisor if when Officer Navedo couldn't**  
13 **have facilitated their issuing of a**  
14 **complaint or resolving their complaint?**  
15 **MS. FUNG: Objection to**  
16 **form, but you can answer.**  
17 **THE WITNESS: I don't have**  
18 **an answer.**  
19 **BY MR. MCCLAM:**  
20 **Q. Do you know why the call went out**  
21 **from 1201 stating that they no longer need**  
22 **a supervisor?**  
23 **A. I don't recall why we -- why it**  
24 **would have been said.**

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1 **night of the incident.**  
2 **A. No. We don't carry them. They're**  
3 **kept at the office. And officers aren't**  
4 **the ones that give them out.**  
5 **Q. So can you think of any purpose**  
6 **that could be accomplished by you and/or**  
7 **Officer Navedo responding to Mr. Hunter**  
8 **and Ms. Shujaa's complaint about yourself**  
9 **and Officer Navedo?**  
10 **MS. FUNG: Objection to**  
11 **form. But you can answer.**  
12 **THE WITNESS: I don't have**  
13 **an answer.**  
14 **BY MR. MCCLAM:**  
15 **Q. So the answer is, no?**  
16 **A. Yeah, me personally, no.**  
17 **Q. You didn't have a complaint form so**  
18 **they couldn't have given their complaint**  
19 **to you; correct?**  
20 **A. Correct.**  
21 **Q. And they couldn't have given their**  
22 **complaint to Officer Navedo; right?**  
23 **A. Correct.**  
24 **Q. They would have had to give the**

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1 **I don't remember why it led up to**  
2 **that conclusion.**  
3 **Q. You don't recall what led to the --**  
4 **A. No. No, I don't.**  
5 **Q. Did you discuss the incident with**  
6 **Lieutenant Disanto when he arrived?**  
7 **A. Yes.**  
8 **Q. What did you describe to him?**  
9 **A. We told him what the initial call**  
10 **was for. And then we told him that when**  
11 **we went up again they were yelling at us**  
12 **and cursing at us and everything. And**  
13 **then that's when he tried to go up to, I**  
14 **guess, talk to them about the complaint or**  
15 **calm them down, but like I said, they**  
16 **didn't answer when we got there.**  
17 **Q. Did you tell Lieutenant Disanto**  
18 **that you had already returned to the**  
19 **residence after the supervisor only call**  
20 **went out?**  
21 **MS. FUNG: Objection.**  
22 **This has been asked and answered.**  
23 **I'm instructing him not to answer**  
24 **it again. It's been asked and**

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1 answered.

2 MR. MCCLAM: I'm asking

3 about what he told Lieutenant

4 Disanto.

5 MS. FUNG: Yeah. You did

6 ask that already, John.

7 MR. MCCLAM: You may

8 answer the question.

9 THE WITNESS: Ask it

10 again.

11 BY MR. MCCLAM:

12 Q. Did you tell Lieutenant Disanto,

13 when he arrived, that you and Officer

14 Navedo had already been back to the

15 residence after the call for a supervisor

16 only went out?

17 A. I don't recall. But I'm assuming

18 we told him we went up again, because why

19 wouldn't we tell him everything that

20 happened.

21 Q. How did -- do you recall how

22 Lieutenant Disanto responded to that?

23 A. Indifferent.

24 Q. Indifferent?

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1 Q. I believe you stated earlier that

2 Officer Navedo wrote the 7548 report; is

3 that right?

4 A. Yes.

5 Q. Do you remember what he wrote in

6 the description box?

7 A. Not word for word. I did read it a

8 couple of times. I don't remember what he

9 wrote. I think just the basis of the

10 invest prem, the custody dispute. I'm not

11 really sure, to be honest with you, word

12 for word.

13 Q. Did you review it after he wrote

14 it?

15 A. Probably not. I don't think I did.

16 I usually don't go over his paperwork.

17 Q. Filling out 7548 forms something

18 you do regularly?

19 A. Yes.

20 Q. If you were filling -- if you had

21 been filling out the description box on

22 the 7548, what information would you have

23 included?

24 A. Since it was an invest prem, I

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1 Did Lieutenant Disanto ask you why

2 you responded to the supervisor only call?

3 A. He did. We stated to back him up

4 and he said, thank you. That was pretty

5 much it.

6 Q. But you didn't -- you weren't

7 backing him up when you and Navedo went

8 without him; right?

9 A. Not at the time, no. But the

10 reason he was there while we were there,

11 from what I recall, was to be there for

12 him to back him up. That's from my memory

13 is why we stayed because he was still on

14 his way.

15 Q. Do you know where Lieutenant

16 Disanto was coming from at the time?

17 A. He stated the Wawa.

18 Q. At the time the supervisor only

19 call came out did you know where

20 Lieutenant Disanto was?

21 A. No.

22 Q. Do you know how long it would take

23 him to get to the residence?

24 A. No.

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1 would have put that we initially came out

2 for the custody dispute. Went to the

3 residence. Police no longer needed.

4 Invest prem. RTF.

5 Q. Would you describe your interaction

6 with the plaintiff after you responded to

7 the supervisor only?

8 A. Yeah, yeah. Probably. I probably

9 would have put that in there.

10 Q. So you said you would have

11 described the first interaction, which was

12 regarding the custody dispute?

13 A. Yes.

14 Q. And you would have described the

15 second interaction, which was when you and

16 Officer Navedo returned to the residence

17 without Lieutenant Disanto; correct?

18 A. Yes.

19 Q. And then you would have described

20 that third visit when Lieutenant Disanto

21 went up to the residence and you and

22 Officer Navedo were backing him up; is

23 that right?

24 A. Yes, yes.

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1 Q. So you would have included all  
2 three of those?

3 A. Yes. Not in depth. About  
4 everything they said, about pretty much as  
5 being uncooperative, swearing and left it  
6 at that.

7 Q. In general, is that the level of  
8 detail that's required in these 7548  
9 reports?

10 A. Usually for invest premise. Yeah.  
11 It's just a basic narrative.

12 Q. Including the significant  
13 interactions?

14 A. Yes.

15 Q. Would you expect that Navedo's 7548  
16 would have included a description of each  
17 one of -- each of those three  
18 interactions?

19 MS. FUNG: Objection to  
20 form. Calls for speculation. You  
21 can answer.

22 THE WITNESS: Not really.  
23 He writes it how he writes it. I  
24 write it how I write it. I don't

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1 did not fill out this form.

2 MR. MCCLAM: That's an  
3 improper objection to tell the  
4 witness not to answer just because  
5 he didn't write about it.

6 MS. FUNG: I'm telling you  
7 that he did not prepare this form.

8 MR. MCCLAM: Are you  
9 asserting a privilege?

10 MS. LASTOWSKI: For the  
11 record, on the bottom left of the  
12 report it says Report Prepared By  
13 Navedo/Schutte. So at the time  
14 perhaps it was prepared by both.

15 THE WITNESS: It's a  
16 partnership. They always put  
17 both.

18 MS. FUNG: They always put  
19 both.

20 THE WITNESS: Only one  
21 person writes it.

22 MR. MCCLAM: You can  
23 object, but this is a line of  
24 questions he is allowed to answer.

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1 question how he does it his  
2 paperwork.

3 MR. MCCLAM: I'll ask the  
4 court reporter to mark this  
5 document as Schutte-4.

6 (Whereupon the document  
7 was marked, for identification  
8 purposes, as Exhibit Schutte-4.)

9 BY MR. MCCLAM:

10 Q. Take a minute to review Exhibit-4.  
11 Is Exhibit-4 the 7548 incident  
12 report form that Officer Navedo completed  
13 in connection with the incident we've been  
14 talking about here today?

15 A. Yes.

16 MS. FUNG: I'm going to  
17 object to this line of questioning  
18 and instruct him not to answer  
19 since he did not fill out this  
20 report. This was filled out by  
21 Officer Navedo.

22 MR. MCCLAM: He can talk  
23 about -- this is a document --

24 MS. FUNG: I'm aware. He

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1 You can have your  
2 foundation objection and those  
3 will be noted on the record, but  
4 this is a subject matter that is  
5 well within his ability to  
6 testify.

7 MS. FUNG: Okay.

8 BY MR. MCCLAM:

9 Q. Is this the 7548 complaint -- or  
10 incident report form that Officer Navedo  
11 completed in related to the incident?

12 A. Yes.

13 Q. Do you see the first sentence in  
14 the description field says, police  
15 responded to above location on check of  
16 well-being on the juvenile due to  
17 visitation rights.

18 Do you see that?

19 A. Yes.

20 Q. Did you conduct a check on the  
21 well-being of the juvenile?

22 A. I don't recall. I mean we didn't  
23 ask about where the kid was; we didn't  
24 look for the kid or anything like that.

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1 So I guess showing up is what he means. I  
2 can't really tell from his prerogative,  
3 but I guess showing up to the location is  
4 his idea to check on the well-being.  
5 I probably wouldn't have wrote  
6 that.  
7 Q. Do you see anywhere in the  
8 description of the incident a description  
9 of your second interaction with the  
10 plaintiff?  
11 A. You mean like the swearing and the  
12 yelling?  
13 Q. Correct.  
14 A. No, I do not.  
15 Q. It says at the bottom of the  
16 report, prepared by Navedo/Schutte.  
17 A. Yes.  
18 Q. Why are both of your names listed  
19 there, do you know?  
20 A. It's a two-man unit so you  
21 automatically put both officers names on  
22 every piece of paperwork. That's just how  
23 it's taught to us.  
24 Q. Do you know whose signature that is

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1 quick break.  
2 (Whereupon, a brief recess  
3 was taken.)  
4 BY MR. MCCLAM:  
5 Q. Officer Schutte, I'm handing you a  
6 document that I'm asking the court  
7 reporter to mark as Schutte Exhibit-5.  
8 (Whereupon the document  
9 was marked, for identification  
10 purposes, as Exhibit Schutte-5.)  
11 BY MR. MCCLAM:  
12 Q. Take a minute to review Exhibit-5.  
13 I'm only going to be asking you  
14 about the first three pages.  
15 Due recognize Exhibit-5?  
16 A. Yes.  
17 Q. Are you familiar with it?  
18 A. Yes.  
19 Q. What is it?  
20 A. It's a printout of the MDT  
21 terminal.  
22 Q. What is the MDT terminal?  
23 A. -- or the mobile terminal screen.  
24 It's the in car computer.

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1 down at the bottom?  
2 A. I know it's the sergeants. But I  
3 don't know what sergeant. I can't make  
4 out the last name.  
5 Q. Do you know why Officer Navedo  
6 omitted the part about your second return  
7 to the residence without Lieutenant  
8 Disanto present?  
9 MS. FUNG: Objection to  
10 the form.  
11 THE WITNESS: I couldn't  
12 tell you. It's how he wrote it.  
13 It's in his mind. This is how he  
14 writes his paperwork, I guess. I  
15 don't have an answer. I don't  
16 know.  
17 BY MR. MCCLAM:  
18 Q. Do you recall -- let me start over.  
19 Have you ever seen this document before?  
20 A. Yes.  
21 Q. When did you see it?  
22 A. During the first observation of the  
23 paperwork I received for this case.  
24 MR. MCCLAM: Let's take a

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1 Q. Is this a printout from what you  
2 and Officer Navedo can see on your  
3 computer screen on the morning of  
4 September 14th, 2015?  
5 A. Yes.  
6 Q. Look over the second page. Is  
7 what's reflected here, which you would  
8 have -- well, what is reflected on the  
9 second page?  
10 A. It's a type of job invest prem with  
11 the address, the location of dispute, time  
12 and date that's entered in and myself and  
13 my partner's name. It's pretty much  
14 standard MDT screen.  
15 Q. Let's turn over to the next page,  
16 Bates Number D069.  
17 A. Yes.  
18 Q. Can you describe what's on this  
19 page?  
20 A. It's a job for a complaint against  
21 police with narrative, stating -- like we  
22 responded for the custody dispute and the  
23 male was requesting a supervisor and the  
24 female unhappy with the police being at

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1 their door.

2 Q. So would you have seen the entries

3 listed under remarks prior to responding

4 to the supervisor only call and returning

5 to the residence without Lieutenant

6 Disanto?

7 A. Yes. You can see every officers'

8 and supervisors' current on the screen job

9 with a narrative.

10 Q. So you would have seen male

11 compl -- which I assume means complainant?

12 A. Yes.

13 Q. You would have seen in the remarks

14 section male complainant in reference to

15 officers responding for a custody dispute.

16 Male requesting a supervisor?

17 A. Yes.

18 Q. Do you recall seeing that come

19 across the screen on September 14th, 2015?

20 A. I mean I don't recall it recall it.

21 I know I must have seen it on the screen,

22 because we check the screen periodically

23 to see what's going on. I do recall that

24 being there.

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1 testified earlier that you've been trained

2 on how to respond to a custody dispute

3 involving minors?

4 A. Yeah. I went over the directives

5 during my training. We usually don't

6 study directives on our free time or down

7 time at work. So pretty much when you get

8 trained you have it in your file, but no

9 one really looks at the directives unless

10 you have to report on something.

11 Q. I want to point your attention down

12 to the bottom of the first page of

13 Schutte-6, at the definition, "At Risk".

14 Do you see that?

15 A. Yes.

16 Q. It defines "at risk" as when facts

17 and circumstances exist whereby the

18 officer reasonably believes that the

19 immediate health, safety, and/or welfare

20 of a minor child is threatened or in

21 jeopardy.

22 Do you see that?

23 A. Yes.

24 Q. Was the child described by

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1 MR. MCCLAM: I'll ask the

2 court reporter to mark this

3 document as Schutte-6.

4 (Whereupon the document

5 was marked, for identification

6 purposes, as Exhibit Schutte-6.)

7 BY MR. MCCLAM:

8 Q. Please take a minute to review

9 Exhibit-6, which is Philadelphia Police

10 Department Memorandum, dated July 31st,

11 20101. Subject: Custody Disputes

12 Involving Minor Children.

13 I'll state for the record that this

14 is a three-page exhibit, that in the order

15 it was produced, but it looks like Page 3

16 was produced before Page 2.

17 I'm going to point to -- do you

18 recognize this document?

19 A. Yes.

20 Q. Are you familiar with it?

21 A. I mean not the whole thing. It's

22 been a while since I went over directives,

23 but I have seen it before.

24 Q. Have you ever been -- I believe you

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1 Ms. Mohammed, on September 14th, 2015,

2 considered "at risk"?

3 A. I don't recall.

4 Q. Do you recall any statements about

5 the child's well-being?

6 A. I don't.

7 Q. If your turn over to the Page D306

8 at the bottom. Under Patrol Officer,

9 Number 1, it states, that after the

10 verification of a founded custody dispute,

11 request the presence of a supervisor, if

12 not already dispatched. The officer and

13 supervisor will investigate to insure the

14 child is not "at risk" or in a missing

15 person status.

16 Did you ever contact a supervisor

17 in relation to your investigation of the

18 custody dispute on September 14th, 2015?

19 A. I didn't personally.

20 Q. Did Officer Navedo?

21 A. I think he spoke to Sergeant Melvin

22 at one point, but I don't know if he did

23 and I don't know what was said.

24 Q. Under this directive would you or

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1 Officer Navedo been required to speak with  
2 a supervisor before responding to a  
3 custody dispute?

4 A. Well, the supervisor was --  
5 Sergeant Melvin was at the headquarters  
6 when she came up initially with the  
7 paperwork. And I don't know -- I don't  
8 remember what he said or what was said to  
9 him, but I know he was present when she  
10 came up. And he told us to take care of  
11 the whatever paperwork she had.

12 Q. Then, under Patrol Supervisor, on  
13 D305, it says, patrol supervisor will  
14 respond to all founded custody disputes.

15 Should the patrol supervisor have  
16 responded to the custody dispute at  
17 Mr. Hunter and Ms. Shujaa's residence?

18 A. According to this he should. But I  
19 don't tell the sergeants what to do or  
20 where to go or what their prerogative is  
21 and whether they go to things. I can't  
22 say anything about that because they out  
23 rank me. But according to this he should  
24 have, but he didn't.

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1 doing on that recording?

2 A. Yes.

3 Q. Would you expect there to be a call  
4 from yourself or Officer Navedo announcing  
5 on the radio that you were going back to  
6 the residence after the supervisor only  
7 call before Lieutenant Disanto got there?

8 A. It depends on the situation. I  
9 mean it's happened before. You know, it  
10 depends on the situation.

11 Q. How does it depend on the  
12 situation?

13 A. Pretty much the officer's decision  
14 to go back. I've done it on a couple of  
15 jobs. Other officers have done it.

16 Q. By go back you mean go back without  
17 making a radio call?

18 A. Oh, go back without making a radio  
19 call?

20 Q. Yeah.

21 A. Oh, no, no. I wouldn't do that.  
22 Most officers wouldn't do that. It's a  
23 safety issue. They have to know where  
24 you're at at all times just in case

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1 Q. Officer Schutte, I'm going to play  
2 an audio recording for you of one of the  
3 radio calls. And my primary question is  
4 going to be to identify whose voices they  
5 are.

6 PLAYBACK OF AUDIO RECORDING:  
7 Monday, September 14, 2015, 0:14  
8 and 20 seconds.

9 Male voice: 1201?

10 Female voice: 1201.

11 Male voice: Make us available  
12 using the same, hold us out to 1242 South  
13 51st Street, invest prem.

14 Female voice: Received.

15 BY MR. MCCLAM:

16 Q. Is that Officer Navedo on track?

17 A. Yes.

18 Q. Is he the one saying 1201?

19 A. Yes.

20 Q. Is it normal police practice to  
21 call in on the radio and announce that  
22 you're going to an incident scene?

23 A. Absolutely.

24 Q. Is that what Officer Navedo was

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1 something happens. And your last known  
2 location is where you would go to first  
3 if, say, you got shot or something like  
4 that. So you've always got to tell them  
5 where you're going to be at?

6 Q. So after the custody dispute was  
7 resolved, you or Officer Navedo should  
8 have called the radio line to say you were  
9 returning to the residence?

10 A. Ideally, yes.

11 Q. Are you aware whether or not you or  
12 Officer Navedo made that call?

13 A. I don't remember if either of us  
14 did.

15 Q. I'm going to play another radio  
16 call.

17 PLAYBACK OF AUDIO RECORDING:  
18 Monday, September 14, 2015, 01:06  
19 and 08 seconds?

20 Male voice 1: 1201.

21 Male voice 2: That last unit?

22 Male voice 1: 1201.

23 Male voice 2: 1201.

24 Male voice 1: You can RTF us and

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1 you can resume Command. They no longer  
2 need a supervisor.  
3 Male voice 2: They just called  
4 back again for another one. Are you sure  
5 about that?  
6 Male voice 3: 12 Command. Let  
7 them know that I am almost there. I was  
8 coming from the Wawa. I'll be right  
9 there.  
10 Male voice 2: Okay.  
11 BY MR. MCCLAM:  
12 Q. Who was the first voice in that  
13 recording announcing 1201?  
14 A. Officer Navedo.  
15 Q. And who was the last voice saying,  
16 I was at the Wawa?  
17 A. Lieutenant Disanto.  
18 Q. For our wrap up, are there any  
19 answers to my questions that I had today  
20 that you wish to change before I conclude  
21 my questions?  
22 A. No.  
23 Q. Anything you would like to clarify  
24 for the record?

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1 your counsel objects, unless she instructs  
2 you not to answer, you have to answer my  
3 question. Again, if you need any break --  
4 I know we've been going for a while and  
5 you've had a long day -- just let me know.  
6 Following up on some things you  
7 talked about with Mr. McClam. Going back  
8 to the beginning, can you describe to me  
9 how assignments are doled out when you  
10 show up for your shift at 12 a.m.? How do  
11 you know where you're going? Who decides  
12 that and how do you learn that  
13 information?  
14 A. During roll call the supervisors  
15 have a sign-in sheet ready to go. And  
16 prior to roll call they have a sheet set  
17 up and dictates what zones each car gets.  
18 That's pretty much how it's done,  
19 depending on manpower.  
20 Q. So a roll call supervisor decides  
21 before you show up for your shift where  
22 you'll be patrolling for your shift; is  
23 that right?  
24 A. 90 percent of the time. Yeah.

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1 A. Not at this time.  
2 MR. MCCLAM: I will pass  
3 the witness.  
4 BY MS. LASTOWSKI:  
5 Q. Good afternoon, Officer Schutte. I  
6 introduced myself in the beginning of the  
7 deposition. My name is Alex Lastowski.  
8 And I'm here with my colleague Michaela  
9 Young. We represent the plaintiff Darus  
10 Hunter in this matter. I'm going to have  
11 a few follow-up questions from my  
12 co-counsel's questions and the questions  
13 exploring some new areas and then your  
14 counsel will have an opportunity to ask  
15 you some questions as well.  
16 So that's what left for you the  
17 rest of the day.  
18 A. Okay.  
19 Q. I'll just remind you that the  
20 deposition rules that Mr. McClam shared  
21 with you in the beginning of the  
22 deposition apply while we're talking now.  
23 Again, if you don't understand a  
24 question I'm asking, just let me know. If

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1 Q. What about the other 10 percent?  
2 A. It could be made up right five  
3 minutes before roll call. People call out  
4 sick last minute, that kind of thing and  
5 things got to be moved around.  
6 Q. I understand.  
7 In the circumstance we talked about  
8 here where someone showed up -- a  
9 complainant showed up to the district to  
10 raise this custody dispute, was that a  
11 situation where your assignment changed  
12 from what you had originally been  
13 assigned? How do you deal with kind of  
14 impromptu complaints like that?  
15 A. We were the ones standing there  
16 next to the sergeant at the time so we  
17 were the ones that got the job.  
18 Q. Got it. So your original  
19 assignment was shifted when this impromptu  
20 complainant came in?  
21 A. Yes.  
22 Q. And you said the roll call -- so  
23 was it the roll call supervisor who told  
24 you that you'd be dealing with the custody

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1 dispute or a sergeant?

2 A. It was a sergeant. It was the roll  
3 call sergeant. I believe the one that did  
4 roll call that night was Sergeant Melvin.  
5 That's why he was still in the building.

6 Q. So it was Sergeant Melvin who told  
7 you, can you handle this custody issue?

8 A. Yeah.

9 Q. How is it recorded in the district  
10 where each officer on duty is patrolling  
11 for their shift?

12 A. It's printed on an assignment  
13 sheet. Several copies are made. It's on  
14 a computer. That's where it's initially  
15 done. One goes to the desk sergeant or  
16 corporal and three copies go to the  
17 captain's mail.

18 Q. What about for a situation like we  
19 just discussed where we have an impromptu  
20 change to your assignment, would that be  
21 recorded on the assignment sheet?

22 A. Usually. But we were in the wagon  
23 anyway. And the wagon is a -- the wagon  
24 has its own per se, as of the whole

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1 A. Yeah. I don't know why they gave  
2 it to us.

3 Q. Would Sergeant Mel -- so Sergeant  
4 Melvin was the one who told you and  
5 Officer Navedo to head out and deal with  
6 the custody dispute. So I assume -- and  
7 correct me if I'm wrong -- it goes without  
8 saying, that Sergeant Melvin knew where  
9 you and Officer Navedo were going during  
10 your shift?

11 A. Yes.

12 Q. Would he have had the address of  
13 where you and Officer Navedo were  
14 reporting to follow up on the custody  
15 dispute?

16 A. Yeah. It's on the paperwork we  
17 reviewed.

18 Q. Would the address of where you were  
19 reporting to follow up on the custody  
20 dispute had been recorded in some police  
21 computer system?

22 A. Over the radio when we tell them  
23 that we have this assignment. We're going  
24 to go to this location and we'll give the

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1 district. But we were just given that  
2 assignment as the wagon.

3 Q. Okay. So some officers are  
4 assigned to patrol certain areas?

5 A. Zones, yes.

6 Q. Zones?

7 A. Yes.

8 Q. And if you're assigned to the wagon  
9 that means you're assigned to the 12th  
10 District as a whole?

11 A. Yes.

12 Q. Is it the case -- I'm just  
13 wondering -- if you're assigned to the  
14 wagon that you're kind of in charge of  
15 these impromptu things that come up during  
16 the shift?

17 A. Pretty much, yes.

18 Q. That's how it ends up happening?

19 A. Yeah. We're usually not the wagon.  
20 It was kind of a rarity. They usually  
21 give that to new guys. But I don't  
22 remember --

23 Q. But for whatever reason that night  
24 you were assigned to it?

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1 location over the radio.

2 Q. Who has access to the radio?

3 A. The --

4 Q. Meaning who can hear what comes in  
5 over the radio? Is it broadcast over the  
6 station? Is it just to the sergeant?

7 A. Our division -- our division covers  
8 12th and 18th. So anyone in the 12th and  
9 18th with a police radio can hear it.

10 Q. So anyone in the 12th and 18th who  
11 are on police radio can hear it?

12 A. Yes.

13 Q. Who is on the police radio?

14 A. Officers, night command, sergeants.  
15 Pretty much anyone in a uniform.

16 Q. So I know that you have discussed  
17 earlier that when the woman came in to  
18 discuss the custody dispute with her that  
19 she had brought a custody order; correct?

20 A. Yes.

21 Q. And you and Officer Navedo took a  
22 look at that custody order?

23 A. Yes.

24 Q. Then when you visited Mr. Hunter's

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1 home to follow up on the custody dispute,  
2 he also showed you a custody order.  
3 A. Yes.  
4 Q. Is that right?  
5 A. I believe so. Yes.  
6 Q. Were those the same custody order?  
7 Did they provide the same details?  
8 A. I don't remember all the details.  
9 I'm assuming they'd be the same ones. It  
10 makes sense that they would be, but I  
11 can't tell you a hundred percent.  
12 Q. Do you recall when you reviewed the  
13 custody order while you were still at the  
14 12th district and dealing with the  
15 complainant, did you, when you reviewed  
16 the custody order, did it say that if  
17 there was a holiday that Mr. Hunter is  
18 entitled or whichever parent is entitled  
19 to keep the child past the weekend?  
20 A. I believe that's what it said. I  
21 mean I glossed over it and gave it to my  
22 partner so he could read it more thorough.  
23 I believe he stated that. That's the  
24 understanding that I came to with him.

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1 morning of September 14th, 2015?  
2 A. I stated earlier I believe three or  
3 four, but I can't really be sure because  
4 it was dark.  
5 Q. Do you remember whether they were  
6 male or female children?  
7 A. I don't know.  
8 Q. Officer Schutte, are you aware that  
9 there's a directive outlining the  
10 procedures that Philadelphia Police  
11 Department personnel should follow when  
12 accepting a citizen's complaint?  
13 A. Yes.  
14 MS. LASTOWSKI: I'll mark  
15 the directive as seven.  
16 (Whereupon the document  
17 was marked, for identification  
18 purposes, as Exhibit Schutte-7.)  
19 BY MS. LASTOWSKI:  
20 Q. Officer Schutte, I've handed you a  
21 document titled Philadelphia Police  
22 Department Directive 12.18. Subject of  
23 the directive is Complaints Against the  
24 Philadelphia Police Department.

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1 Q. I have another technical question.  
2 We reviewed the MDT log, the mobile --  
3 A. Mobile data terminal.  
4 Q. Mobile data terminal?  
5 So who has access to the  
6 information in the mobile data terminal?  
7 A. Any police officer with a sign on  
8 and pass code.  
9 Q. So if I'm working the 12 a.m. to  
10 8:15 a.m. shift in the 12th district, and  
11 I, at 12:15 a.m., log in with my police  
12 user name and password, can I review  
13 anyone's mobile data entries who's working  
14 at the time?  
15 A. Yes.  
16 Q. During your interaction with  
17 Mr. Hunter and Ms. Shujaa, you witnessed  
18 some of their children; correct?  
19 A. I don't know if it was their  
20 children. I just witnessed --  
21 Q. You witnessed children?  
22 A. Yes, yes.  
23 Q. And do you recall how many  
24 different children you viewed during

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1 Have you seen this document before?  
2 A. I haven't. I know of it, but I  
3 haven't. They don't show us every  
4 directive, only things that pretty much  
5 pertain to basic patrol. This is more of  
6 a supervisor thing. So we really wouldn't  
7 need this information. So I've never  
8 actually read this.  
9 Q. Okay. This is the first time  
10 you're that you've seen this directive in  
11 writing?  
12 A. Yes.  
13 Q. You see that the directive was  
14 issued and effective on August 29th, 2014?  
15 A. Yes.  
16 Q. And that predates the time that you  
17 joined the Philadelphia Police Department;  
18 right?  
19 A. Yes.  
20 Q. And it was updated on May 15th,  
21 2015.  
22 Do you see that?  
23 A. Yes.  
24 Q. So the update happened while you

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1 were employed by the Philadelphia Police  
2 Department?

3 A. Hmm-mm.

4 Q. And you would agree that this  
5 directive was in effect during your  
6 interactions with the plaintiff in this  
7 case?

8 A. Yes.

9 Q. So if you would take a look under  
10 the heading, Policies. The second  
11 sentence there -- and I'll just read it  
12 out loud -- it read, Philadelphia Police  
13 Department personnel -- and really  
14 quickly, would you agree that you fall  
15 under that bucket; you're a member of the  
16 Philadelphia Police Department?

17 A. Yes.

18 Q. The Philadelphia Police Department  
19 personnel shall inform any persons who  
20 wishes to make a complaint against a  
21 police officer of the existence of the  
22 formal complaint procedure and shall refer  
23 such persons to those locations listed in  
24 Section 2-A of this directive, including

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1 complaint against you and Officer Navedo;  
2 correct?

3 A. Yes.

4 Q. And in response to learning that  
5 Mr. Hunter wanted to file a complaint, you  
6 and Officer Navedo visited Mr. Hunter's  
7 home for the second time; is that right?

8 A. Yes.

9 Q. Can you pull Exhibit-3 up for me.  
10 That's your interview statement from  
11 November 5th, 2015. Page 2. Looking back  
12 at the block, it's just describing why you  
13 and your partner returned to Mr. Hunter's  
14 home. And I'm looking at -- I'll just  
15 read the first three sentences.

16 When you were asked why you and  
17 your partner returned to the residence you  
18 said, we went there to back up the  
19 supervisor, but we also went to see if we  
20 could resolve any issue that may not need  
21 the supervisor to respond. When we first  
22 went to the residence it did not seem that  
23 the complaint -- I think it's meant to  
24 say, the complainant -- was upset with us

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1 the most convenient locations, where the  
2 Citizen's Complaint Report may be obtained  
3 and filed.

4 Did I read that correctly?

5 A. Yes.

6 Q. Would you agree with me that for  
7 this directive personnel -- if a citizen  
8 wants to file a complaint, they should  
9 first inform the person that there's a  
10 formal procedure that should be filed; is  
11 that right?

12 A. Yes.

13 Q. Second, the Philadelphia Police  
14 Department personnel shall refer the  
15 person to the most convenient location  
16 where they can file that complaint.

17 A. Yes.

18 Q. So we've discussed today the  
19 different interactions that you've had  
20 with the plaintiff in this case.

21 And after your first visit to Mr.  
22 Hunter's home to follow-up with the  
23 custody dispute, you became aware, at some  
24 point, that Mr. Hunter wanted to file a

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1 or the service we provided. So we went to  
2 see what the problem was and to see if it  
3 was something we could resolve.

4 So would you agree that one of  
5 purposes was to investigate the source of  
6 his complaint; is that right?

7 A. It wasn't my purpose. I just  
8 follow my partner. But, yes.

9 Q. But based on your interaction with  
10 Mr. Hunter you couldn't understand why he  
11 wanted to file a complaint?

12 A. That's correct.

13 Q. You wanted to see -- as you say  
14 here in the first sentence -- if there was  
15 some way you could resolve the issue  
16 without involving the supervisor?

17 A. I didn't mean me. I meant "we" as  
18 partners.

19 Q. Sure. So you as partners with  
20 Officer Navedo thought that perhaps if you  
21 spoke to Mr. Hunter you could resolve it  
22 without involving the supervisor?

23 A. Yes.

24 Q. Turning back to Exhibit-7. I'll

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1 tell you to flip to the third page of the  
2 document -- I'm sorry, Exhibit-7, and Page  
3 3, which is Bates stamped on the bottom  
4 right D284, and we have under the Heading  
5 3, Procedures for Recording and Processing  
6 Complaints.

7 Do you see that?

8 A. Yes.

9 Q. Feel free to take a look at this  
10 page and it continues on to Pages 4 and 5.  
11 But there is a procedure outlined here for  
12 accepting and investigating citizen  
13 complaints.

14 Would you agree that this directive  
15 outlines the step by step process by which  
16 the Philadelphia Police Department should  
17 accept and process citizens' complaints?

18 A. Yes.

19 Q. Taking a look at these procedures,  
20 based on your understanding, does this  
21 directive instruct officers to return to  
22 the home of a complainant to follow-up on  
23 a citizen's complaint? Is that provided  
24 for here?

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1 Crisis intervention training, taser  
2 training. Updates on -- legal updates on  
3 law. Stuff like that.

4 Q. Do you receive an annual retraining  
5 or is it just the type of training that  
6 you just describe ad hoc, like, when  
7 something new comes down?

8 A. Well, the legal updates is like  
9 when there's updates on new law or case  
10 law. And we have to qualify with our  
11 firearms every year. That's yearly.

12 Q. And when there's, for example, an  
13 update in a case law or a new directive  
14 how is that information conveyed to  
15 officers in the 12th district?

16 A. You get sent back to the academy  
17 for a few days of training with a class  
18 where you're instructed on everything new  
19 that was changed or altered.

20 Q. Is that the case for any update to  
21 any existing directive or is that the case  
22 for major changes?

23 A. Usually for major changes. Updates  
24 to directives are usually just handed out

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1 A. It is not.

2 Q. Officer Schutte, we discussed --  
3 and you discussed with Mr. McClam earlier  
4 today about the type of training that you  
5 received when you joined the Philadelphia  
6 Police Department. And I understand -- I  
7 believe that you said that because you had  
8 had the Temple Police training that your  
9 training once you joined the Philadelphia  
10 Police Department was that only a month  
11 long?

12 A. Yeah. Because, initially, I went  
13 through the actual academy.

14 Q. Right. So it was sort of a  
15 refresher training --

16 A. Yes.

17 Q. -- like an introduction to the  
18 Philadelphia Police Department?

19 A. Yes.

20 Q. Can you describe the type of  
21 training, in general, that you received  
22 since joining the police department in  
23 December of 2014?

24 A. A lot of different type of things.

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1 and printed out throughout the districts.

2 Q. What training did you receive on  
3 the directive, which is Exhibit 7, in  
4 front of you?

5 A. We were basically told that if  
6 there is ever a complaint let a supervisor  
7 know and then they'll give them the  
8 paperwork. They have to fill it out and  
9 return it. And that was pretty much what  
10 I was told in terms of being trained for  
11 complaints against police.

12 Q. Why did you use air quotes when you  
13 said --

14 A. Because it's not like I was -- sat  
15 down -- like, it wasn't hammered. It was  
16 just a passing thing, oh, this is what  
17 happens when there's a complaint -- get a  
18 supervisor. That was the extent of it.

19 MS. LASTOWSKI: I'm going  
20 to have the court reporter mark  
21 this document as Exhibit-8.

22 (Whereupon the document  
23 was marked, for identification  
24 purposes, as Exhibit Schutte-8.)

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1 BY MS. LASTOWSKI:

2 Q. Officer Schutte, I've handed you a  
3 document that's titled, 2015 Training  
4 Material Received/Record.

5 Do you see that?

6 A. Yes.

7 Q. Have you ever seen this document  
8 before?

9 A. Yes.

10 Q. What does this document reflect?

11 A. These are the various training or  
12 paperwork we received based on new  
13 training and my signature stating that I  
14 received that paperwork.

15 Q. So does this in essence memorialize  
16 the different training materials that you  
17 received?

18 A. Yes.

19 Q. Does the fact that there's an entry  
20 here indicate that you received any type  
21 of oral or live training on what's  
22 described under Item Description?

23 Meaning is it possible for some of  
24 these entries that you were simply handed

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1 you have a sign in -- so when you receive  
2 new training material or a new training,  
3 do you sign in to reflect that you  
4 received the training or you received the  
5 training material?

6 A. Yeah. You just sign this sheet.

7 Q. So what you're telling me is that  
8 through January of 2015 -- or excuse me  
9 2013, which goes several pages -- this  
10 entire document -- every single time you  
11 receive an item that's described under  
12 here you sign this document  
13 contemporaneously when you were handed the  
14 materials? Or is this something that you  
15 fill out on an annual baize?

16 A. It depends. Because I think this  
17 might actually be one like that. Some  
18 just get it separately. But ones like  
19 this that have stuff coming to you, yeah,  
20 I probably did sign this all at once. It  
21 looks like I did.

22 Q. You have a very consistent  
23 signature otherwise.

24 A. Usually it's a separate thing where

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1 a packet of new materials for you to  
2 review on your own time?

3 A. Yeah. We were definitely handed  
4 the paperwork for it. Yeah.

5 Q. But did you also always receive a  
6 live training on the paperwork for each of  
7 these entries that you see here?

8 A. Not everything. No. Like the sick  
9 leave thing, this is paperwork. And the  
10 body worn cameras, since we don't wear  
11 them there's no training on it. We just  
12 got information on it. Stuff like that.

13 Q. And correct me if I'm wrong, is it  
14 the case that you received a document like  
15 this at the end of the year and filled it  
16 out or is it the case that you fill out  
17 your signature and have your supervisor  
18 sign once you received the training  
19 material?

20 A. Once you have the material you get  
21 the packet to sign, along with the stack  
22 of the new paper so when they know when  
23 you get it.

24 Q. So here's my question, I guess. Do

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1 you sign individual.

2 Q. So there are circumstances where  
3 you may have a separate sign-in sheet --

4 A. Yeah.

5 Q. -- that's loose and not necessarily  
6 connected to --

7 A. Yes. Definitely.

8 Q. You see here there's a column for  
9 date, and there's a column for item  
10 description?

11 A. Hmm-mm.

12 Q. Does the date reflect when you  
13 received the item or could it reflect when  
14 the item described here went into effect?

15 A. I don't know, to be honest.

16 Q. Can you turn to the second page,  
17 it's Page D383 on the bottom right-hand  
18 corner. And it's the fifth entry down, on  
19 May 15th, 2015. Then it's Directive 127,  
20 complaints against the Philadelphia Police  
21 Department.

22 Do you see that?

23 A. Yes.

24 Q. If you turn back here to the

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1 directive itself, as we discussed earlier,  
2 the directive was updated on May 15th,  
3 2015.

4 A. Hmm-mm.

5 Q. So it looks like you either  
6 received some type of training or you  
7 received that updated directive --

8 A. Yes.

9 Q. -- on or around May 15th, 2015; is  
10 that right?

11 A. Yes.

12 Q. Do you recall when you received the  
13 updated directive? Was it on May 15th,  
14 2015 or could it have been after that?

15 A. I don't remember. I'm sure it was  
16 around the same time. They usually give  
17 it out before at the roll call as we're  
18 heading to our cars.

19 Q. Do you remember whether on or  
20 around May 15th, 2015 you received  
21 training on the amendment to the directive  
22 or whether you were just provided with the  
23 updated document itself?

24 A. I was just handed the document.

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1 A. Yes.

2 Q. As part of that evaluation does  
3 your supervisor look at your compliance  
4 with various Philadelphia Police  
5 Department policies?

6 A. Yes.

7 Q. Do you know how that's measured?  
8 Is it done by observing you in the field?  
9 Is it done by giving you quizzes? How is  
10 that done?

11 A. Observations over the course of a  
12 year.

13 Q. Has a supervisor ever observed you  
14 handling a citizen's complaint?

15 A. You mean being told -- when they  
16 complain and telling us? Yeah.

17 Q. The evaluations we were just  
18 talking about, do you receive like a  
19 handwritten copy of the evaluation?

20 A. Yeah. You have to sign them.

21 Q. I'm sorry, I gave you two options  
22 when I asked you, is the evaluation  
23 annually or is it twice a year or is it  
24 more frequently than that?

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1 That was the extent of it.

2 Q. So you do not recall receiving any  
3 oral or live training on the directive?

4 A. Not that one. No.

5 Q. Do you have a copy of this  
6 directive at your desk?

7 A. I'm sure it's in the drawer  
8 somewhere. We have everything on file. I  
9 haven't looked at it, obviously.

10 Q. So you've never referenced it  
11 during the course of your work as an  
12 officer for the Philadelphia Police  
13 Department?

14 A. No. Whenever there was a complaint  
15 I just do what I was told to give the  
16 sergeant the heads up and the sergeant  
17 takes care of it -- or corporal.

18 Q. Do you recall receiving any  
19 training since May 15th, 2015 on this  
20 directive?

21 A. No.

22 Q. Just in general, are you evaluated  
23 by your supervisor on an annual or  
24 biannual basis?

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1 A. Annually, I believe.

2 Q. Who does the evaluation, is it your  
3 direct supervisor, their boss?

4 A. Yeah. Direct supervisor.

5 Q. Who would that be right now?

6 A. Right now it would be Sergeant  
7 Skasiac.

8 Q. Who would it have been September  
9 2015?

10 A. Sergeant Davis.

11 Q. Is there like a separate section  
12 for compliance? Like where in the course  
13 of the evaluation is compliance to  
14 policies reported?

15 A. Basically it just goes down the  
16 line to different things. There's like a  
17 one through five satisfactory, and then a  
18 little box for a short narrative to  
19 explain why he gave that number.

20 Q. So there's some -- you know, down  
21 the line one of the questions is  
22 compliance with Philadelphia Police  
23 Department policies.

24 And would you agree that a

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1 Philadelphia Police Department directive  
2 is a Philadelphia Police Department  
3 policy?  
4 A. Yes.  
5 MS. LASTOWSKI: I don't  
6 have anything else.  
7 MR. MCCLAM: Any  
8 follow-up?  
9 MS. FUNG: Yeah.  
10 BY MS. FUNG:  
11 Q. Officer Schutte, today you've been  
12 up for over 24 hours; is that correct?  
13 A. Yes.  
14 Q. Are you tired?  
15 A. Yes.  
16 Q. All statements you made here were  
17 they made to the best of your ability?  
18 A. Yes.  
19 Q. Standing here today, three years  
20 later, do you remember every incident  
21 clearly?  
22 A. No.  
23 Q. Do you remember as clearly as you  
24 would have, say, a month or two after the

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1 form. Misstates testimony.  
2 THE WITNESS.  
3 MS. FUNG: You can answer.  
4 THE WITNESS: Oh. I don't  
5 recall. I could have stated, but  
6 I really don't recall what I  
7 stated earlier if I did say  
8 anything.  
9 BY MS. FUNG:  
10 Q. From your memory do you remember  
11 Mr. Hunter or Ms. Shujaa even allowing you  
12 to speak when you were at the home a  
13 second time?  
14 MR. MCCLAM: Objection to  
15 form. Leading.  
16 THE WITNESS: The second  
17 time they were just yelling and  
18 wouldn't listen to reason. So I  
19 stopped talking.  
20 BY MS. FUNG:  
21 Q. Were they doing anything else  
22 besides yelling?  
23 A. I don't remember if they were  
24 yelling from the door or the window. I

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1 incident?  
2 A. No.  
3 Q. Taking you to the incident  
4 specifically, did you ever enter  
5 Mr. Hunter and Ms. Shujaa's home?  
6 A. No.  
7 Q. Did you ever push in the door?  
8 A. No.  
9 Q. Did you ever use any type of force?  
10 A. No.  
11 Q. You stated earlier that you're not  
12 sure if you stated the reason that you  
13 went to Mr. Hunter's home a second time.  
14 And I think you said you didn't think you  
15 did not give him a reason.  
16 Are you positive about that answer?  
17 MS. LASTOWSKI: Objection  
18 to form. Stated to who?  
19 MS. FUNG: What?  
20 MS. LASTOWSKI: Stated to  
21 who?  
22 MS. FUNG: To Mr. Hunter  
23 and Ms. Shujaa?  
24 MR. MCCLAM: Objection to

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1 just don't remember. I guess they opened  
2 the door real quick and then slammed it  
3 and you could hear threw the window. I  
4 think they were just yelling.  
5 Q. After you left the home the first  
6 time were you still listed as on location  
7 at Mr. Hunter and Ms. Shujaa's residence?  
8 MR. MCCLAM: Objection to  
9 form. Foundation.  
10 THE WITNESS: I believe we  
11 were. Yes.  
12 MS. FUNG: That's all I  
13 have.  
14 BY MR. MCCLAM:  
15 Q. One clarifying question. If you  
16 recall, before we started this deposition  
17 today I asked you if there was anything  
18 that would keep you from testifying  
19 truthfully and accurately today?  
20 A. Yes.  
21 Q. Has your sleep or lack of sleep  
22 impacted your ability to testify  
23 truthfully and accurately today?  
24 A. I don't think it did. I mean

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1 certainly early on I was okay. But as the  
2 day is wearing on I can definitely feel  
3 it. At the time I thought I was okay. I  
4 had a coffee on my way over here so. But  
5 I'm definitely feeling it now.

6 Q. To the best of your knowledge and  
7 everything, you testimony today has been  
8 truthful and accurate?

9 A. Yes, sir.

10 MR. MCCLAM: No further  
11 questions.

12 - - -  
13 (Witness excused.)  
14 - - -

15 (Whereupon, the deposition  
16 concluded at 4:56 p.m.)  
17 - - -

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| A                    |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| a.m (13)             | 27:20 56:9 100:11    | and/or (3)           | 54:23                |
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| 42:19 43:23 71:4,7   | affairs (10)         | Angeles (1)          | 76:16                |
| 111:10 118:9,10,11   | 3:16,18 9:3,8,12     | 13:13                | Arch (3)             |
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I, JO-ANNE M. BOSLER, a  
Professional Court Reporter and Notary  
Public, do hereby certify that the  
foregoing is a true and accurate  
transcript of the stenographic notes  
taken by me in the aforesaid matter.

DATE: SEP 26 2018

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